



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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शिमला, सोमवार 7 मई, 2012 / १७ वैशाख, 1934

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हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला—2, 4 मई, 2012

**संख्या:एल0एल0आर0-डी0(6)-10/2012-लेज.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3—5—2012 को अनुमोदित बदली यूनिवर्सिटी ऑफ इमर्जिंग साईंसिज एण्ड टैक्नोलॉजी (स्थापना और विनियमन) संशोधन विधेयक, 2012 (2012 का विधेयक संख्यांक 13) को वर्ष 2012 के अधिनियम संख्यांक 15 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई—राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
(अवतार चन्द डोगरा),  
प्रधान सचिव (विधि)।

**बद्दी यूनिवर्सिटी ऑफ ईमर्जिंग सार्टेसिज एण्ड टैक्नोलॉजी (स्थापना और विनियमन) संशोधन  
अधिनियम, 2012**

(माननीय राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को यथाअनुमोदित)

बद्दी यूनिवर्सिटी ऑफ ईमर्जिंग सार्टेसिज एण्ड टैक्नोलॉजी (स्थापना और विनियमन) अधिनियम, 2009 (2009 का अधिनियम संख्यांक 21) का और संशोधन करने के लिए अधिनियम ।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

**1. संक्षिप्त नाम.**-इस अधिनियम का संक्षिप्त नाम बद्दी यूनिवर्सिटी ऑफ ईमर्जिंग सार्टेसिज एण्ड टैक्नोलॉजी (स्थापना और विनियमन) संशोधन अधिनियम, 2012 है ।

**2. धारा 2 का संशोधन.**-बद्दी यूनिवर्सिटी ऑफ ईमर्जिंग सार्टेसिज एण्ड टैक्नोलॉजी (स्थापना और विनियमन) अधिनियम, 2009 (2009 का 21) (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 2 में,-

(क) खण्ड (द) में ‘वैज्ञानिक और औद्योगिक अनुसंधान परिषद्’ शब्दों के पश्चात् “हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे ; और

(ख) खण्ड “(फ)” के पश्चात् निम्नलिखित नया खण्ड “(ब)” अन्तःस्थापित किया जाएगा, अर्थात् :-

“(ब) “विनियामक आयोग” से हिमाचल प्रदेश प्राइवेट शिक्षा संस्था (विनियामक आयोग) अधिनियम, 2010 (2011 का 15) की धारा 3 के अधीन स्थापित हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग अभिप्रेत है । ” ।

**3. धारा 3 का संशोधन.**-मूल अधिनियम की धारा 3 के खण्ड (ज) के पश्चात् निम्नलिखित नए खण्ड (झ) और (ज) अन्तःस्थापित किए जाएंगे, अर्थात् :-

“(झ) विश्वविद्यालय शिक्षा पद्धति के उद्देश्यों में सुभिन्न योगदान अर्थात् परम्परागत संस्थाओं द्वारा नेमीतः प्रस्थापित सामान्य प्रकृति के कार्यक्रमों, जो कला, विज्ञान, इंजीनियरिंग, औषधि, दंत चिकित्सा, भेषजी, प्रबन्धन इत्यादि में परम्परागत उपाधियों का मार्ग प्रशस्त करते हैं, से स्पष्टतया भिन्न शैक्षणिक विनियोजन करने के लिए सिद्ध योग्यता सहित, विशेषज्ञता के क्षेत्रों में लगे रहना; और

(ज) सुदृढ़ अंतर-विषयक अभिविन्यास और संयोजन सहित, विभिन्न विषयों में विस्तृत आधारमुक्त और व्यवहार्य स्नातकपूर्व, स्नातकोत्तर और अनुसंधान कार्यक्रम स्थापित करना । ” ।

**4. धारा 10 का संशोधन.**-मूल अधिनियम की धारा 10 के द्वितीय परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात् :-

“परन्तु यह और कि विश्वविद्यालय की आय और सम्पत्ति का कोई भी भाग, प्रत्यक्षतः या परोक्षतः लाभांश, बोनस या अन्यथा, किसी भी तरह, लाभ के रूप में उन व्यक्तियों को, जो किसी समय विश्वविद्यालय के सदस्य थे या हैं या उनमें से किसी को या उनके माध्यम से दावा करने वाले किसी व्यक्ति को, संदर्भ या अन्तरित नहीं किया जाएगा, परन्तु यहां इसमें अन्तर्विष्ट कोई बात विश्वविद्यालय को प्रदान की गई किसी सेवा के प्रतिफलस्वरूप पारिश्रमिक या उसके किसी

सदस्य या अन्य व्यक्ति को अथवा यात्रा या अन्य भूतों तथा ऐसे अन्य प्रभारों के लिए सद्भावपूर्वक संदाय से निवारित नहीं करेगी ।”।

**5. धारा 18 का संशोधन.**—मूल अधिनियम की धारा 18 के खण्ड (ग) में “पांच” शब्द के स्थान पर “तीन” शब्द रखा जाएगा ।

**6. धारा 19 का संशोधन.**—मूल अधिनियम की धारा 19 में,—

(क) उपधारा (1) के खण्ड (ख) से (घ) के स्थान पर निम्नलिखित खण्ड रखे जाएंगे, अर्थात् :—

“(ख) दो से अनधिक संकायाध्यक्ष (वरिष्ठता पर आधारित चक्रानुक्रम द्वारा) ;

(ग) विष्वात शिक्षाविदों में से या प्रबन्धन क्षेत्र से प्रायोजक निकाय द्वारा नामनिर्दिष्ट दो व्यक्ति ;

(घ) विनियामक आयोग के परामर्श से सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विष्वात शिक्षाविद् ;”;

(ख) इस प्रकार प्रतिस्थापित खण्ड (घ) के पश्चात् निम्नलिखित नए खण्ड (ड) और (च) अन्तःस्थापित किए जाएंगे, अर्थात् :—

“(ड) वरिष्ठता पर आधारित चक्रानुक्रम द्वारा शिक्षकों (आचार्यों, सह आचार्यों) में से दो व्यक्ति ; और

(च) रजिस्ट्रार सदस्य—सचिव होगा । ”; और

(ग) उपधारा (5) के पश्चात् निम्नलिखित नई उपधारा (6) अन्तःस्थापित की जाएगी, अर्थात् :—

“(6) विश्वविद्यालय का प्रबंध बोर्ड अपने शैक्षणिक और प्रशासनिक कृत्यों का पालन करने हेतु प्रायोजक निकाय से पूर्ण स्वायत्तता सहित स्वतन्त्र होगा । ” ।

**7. धारा 31 का संशोधन.**—मूल अधिनियम की धारा 31 की उपधारा (5) में, “राज्य सरकार” शब्दों के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**8. धारा 32 का संशोधन.**—मूल अधिनियम की धारा 32 की उपधारा (1) में, “और इसे” शब्दों के पश्चात् आए शब्दों “सरकार को अनुमोदन के लिए भेजेगा और सरकार प्रस्ताव प्राप्ति के एक मास के भीतर अनुमोदन प्रदान करेगी” के स्थान पर “विनियामक आयोग द्वारा प्रदान पाठ्यक्रमों के अनुमोदन सहित, प्रत्येक पूर्वर्ती शैक्षणिक वर्ष के 31 दिसम्बर से पूर्व सरकार को इसके अनुमोदन के लिए भेजेगा तथा सरकार प्रस्ताव की प्राप्ति के तीन मास के भीतर अनुमोदन सूचित करेगी” शब्द और अंक अन्तःस्थापित किए जाएंगे और उपधारा (1) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा ।

**9. धारा 33 का संशोधन.**—मूल अधिनियम की धारा 33 के परन्तुक में, “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**10. धारा 34 का संशोधन.**—मूल अधिनियम की धारा 34 की उपधारा (1) के परन्तुक में, “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**11. धारा 36 का प्रतिस्थापन।—**मूल अधिनियम की धारा 36 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात्:—

**“36. विश्वविद्यालय का प्रत्यायन।—**विश्वविद्यालय, समय—समय पर राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा जारी मार्गदर्शक सिद्धान्तों के अनुसार राष्ट्रीय निर्धारण और प्रत्यायन परिषद् (एन.ए.ए.सी), बंगलौर से प्रत्यायन अभिप्राप्त करेगा और सरकार तथा ऐसे अन्य विनियमन निकायों को, जो विश्वविद्यालय द्वारा चलाए गए पाठ्यक्रमों से संबद्ध हैं, राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा विश्वविद्यालय को दिए गए ग्रेड के बारे में सूचित करेगा तथा विश्वविद्यालय ऐसे प्रत्यायन को, ऐसी अवधि के पश्चात्, जैसी विहित की जाए, नवीकृत करवाएगा ।”।

**12. धारा 38 का संशोधन।—**मूल अधिनियम की धारा 38 की उपधारा (2) में, ‘वार्षिक रिपोर्ट की प्रतियां’ शब्दों के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द रखे जाएंगे ।

**13. धारा 39 का संशोधन।—**मूल अधिनियम की धारा 39 में,—

- (क) उपधारा (4) में, “तुलन—पत्र की प्रतियां,” शब्दों और चिन्ह के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (5) में, “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग और सरकार” शब्द रखे जाएंगे ।

**14. धारा 40 का संशोधन।—**मूल अधिनियम की धारा 40 में,—

- (क) उपधारा (1) में, “सरकार” शब्द के पश्चात् “या विनियामक आयोग” शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (2) में, “सरकार,” शब्द और चिन्ह के स्थान पर “यथास्थिति, सरकार या विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे और उपधारा (3) में, “तो” शब्द के पश्चात् “यथास्थिति, विनियामक आयोग या” चिन्ह और शब्द अन्तःस्थापित किए जाएंगे ।

#### AUTHORITATIVE ENGLISH TEXT

**Act No. 15 of 2012**

#### **THE BADDI UNIVERSITY OF EMERGING SCIENCES AND TECHNOLOGY (ESTABLISHMENT AND REGULATION) AMENDMENT ACT, 2012**

(AS ASSENTED TO BY THE GOVERNOR ON 3RD MAY, 2012)

AN

ACT

further to amend the Baddi University of Emerging Sciences and Technology (Establishment and Regulation) Act, 2009 (Act No. 21 of 2009).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:-

**1. Short title.**—This Act may be called the Baddi University of Emerging Sciences and Technology (Establishment and Regulation) Amendment Act, 2012.

**2. Amendment of section 2.**—In section 2 of the Baddi University of Emerging Sciences and Technology (Establishment and Regulation) Act, 2009 (hereinafter referred to as the “principal Act”),—

(a) in clause (n), for the words “Council of Scientific and Indian Research”, the words and sign “Council of Scientific and Industrial Research, the Himachal Pradesh Private Educational Institutions Regulatory Commission” shall be substituted.; and

(b) after clause (v), the following new clause (w) shall be inserted, namely:—

“(w) “Regulatory Commission” means the Himachal Pradesh Private Educational Institutions Regulatory Commission, established under section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No. 15 of 2011).”.

**3. Amendment of section 3.**—In section 3 of the principal Act, after clause (h), the following new clauses (i) and (j) shall be inserted, namely:—

“(i) to engage in areas of specialization with proven ability to make distinctive contributions to the objectives of the University education system that is academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degrees in arts, science, engineering, medicine, dental, pharmacy, management, etc. routinely offered by conventional institutions; and

(j) to establish broad-based, and viable under graduate, post graduate and research programmes in several disciplines with firm interdisciplinary orientation and linkages.”.

**4. Amendment of section 10.**—In section 10 of the principal Act, after second proviso, the following third proviso shall be inserted, namely:—

“Provided further that no portion of income and property of the University shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever, by way of profit to the persons who were at any time or are members of the University or to any of them or any person claiming through them; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person as consideration for any service rendered to the University or for travelling or other allowances and such other charges.”.

**5. Amendment of section 18.**—In section 18 of the principal Act, in clause(c), for the word “five”, the word “three” shall be substituted.

**6. Amendment of section 19.**—In section 19 of the principal Act,—

(a) in sub-section (1), for clauses (b) to (d), the following clauses shall be substituted, namely:—

“(b) Deans of Faculties not exceeding two (by rotation based on seniority);

(c) two persons, nominated by the sponsoring body from amongst eminent educationists or from management field;

(d) two eminent academicians to be nominated by the Government in consultation with the Regulatory Commission;”;

(b) after clause (d) as so substituted, the following new clauses (e) and (f) shall be inserted, namely:—

“(e) two persons from amongst the teachers (from Professors, Associate Professors), by rotation based on seniority; and

(f) the Registrar shall be the Member Secretary.”; and

(c) after sub-section (5), the following new sub-section (6) shall be inserted, namely:—

“(6) The Board of Management of the University shall be independent of the Sponsoring Body with full autonomy to perform its academic and administrative functions.”.

**7. Amendment of section 31.**—In section 31 of the principal Act, in sub-section (5), for the words “State Government”, the words “Regulatory Commission” shall be substituted.

**8. Amendment of section 32.**—In section 32 of the principal Act, in sub-section (1), after the words “for its approval”, the words and figures “before 31<sup>st</sup> December of every preceding academic year alongwith the approval of courses granted by the Regulatory Commission” shall be inserted and the first proviso appearing below sub-section (1) shall be omitted.

**9. Amendment of section 33.**—In section 33 of the principal Act, in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**10. Amendment of section 34.**—In section 34 of the principal Act, in sub-section (1), in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**11. Substitution of section 36.**—For section 36 of the principal Act, the following section shall be substituted, namely:—

**“36. Accreditation of the University.**—The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, as per the guidelines issued by the National Assessment and Accreditation Council from time to time and inform the Government and such other regulating bodies which are connected with the courses taken up by the University about the grade provided by NAAC to the University and the University shall get renewed such accreditation after such period as may be prescribed.”.

**12. Amendment of section 38.**—In section 38 of the principal Act, in sub-section (2), after the words “presented to”, the words “the Regulatory Commission and” shall be inserted.

**13. Amendment of section 39.**—In section 39 of the principal Act,—

(a) in sub-section (4), after the words “presented to the”, the words “Regulatory Commission and the” shall be inserted; and

(b) in sub-section (5), for the word “Government” wherever it occur, the words “Regulatory Commission and the Government” shall be substituted.

**14. Amendment of section 40.—**In section 40 of the principal Act,—

- (a) in sub-section (1), after the words “the Government”, the words “or the Regulatory Commission” shall be inserted.; and
- (b) in sub-sections (2) and (3), after the words “the Government”, the words and signs “or the Regulatory Commission, as the case may be,”, shall be inserted.

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**विधि विभाग**

अधिसूचना

शिमला—2, 4 मई, 2012

**संख्या:एल0एल0आर0—डी0(6)—14/2012—लेज.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3—5—2012 को अनुमोदित शूलनी बायोटेक्नोलॉजी एवम् मैनेजमेंट साईंसिज विश्वविद्यालय (स्थापना और विनियमन) संशोधन विधेयक, 2012 (2012 का विधेयक संख्यांक 19) को वर्ष 2012 के अधिनियम संख्यांक 18 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई—राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
(अवतार चन्द डोगरा),  
प्रधान सचिव (विधि)।

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2012 का अधिनियम संख्यांक 18

शूलिनी बायोटेक्नोलॉजी एवम् मैनेजमेंट साईंसिज विश्वविद्यालय (स्थापना और विनियमन) संशोधन  
अधिनियम, 2012

(राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को अनुमोदित)

शूलिनी बायोटेक्नोलॉजी एवम् मैनेजमेंट विश्वविद्यालय (स्थापना और विनियमन अधिनियम, 2009 (2009 का अधिनियम संख्यांक 20) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

1. **संक्षिप्त नाम।**—इस अधिनियम का संक्षिप्त नाम शूलिनी बायोटेक्नोलॉजी एवम् मैनेजमेंट साईंसिज विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012 है।
2. **धारा 2 का संशोधन।**—शूलिनी बायोटेक्नोलॉजी एवम् मैनेजमेंट साईंसिज विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2009 (2009 का 20) (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 2 में,—
  - (क) खण्ड (३) में, “वैज्ञानिक और औद्योगिक अनुसंधान परिषद्” शब्दों के पश्चात् “हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग” चिन्ह और शब्द रखे जाएंगे ; और

(ख) खण्ड "(फ)" के पश्चात् निम्नलिखित नया खण्ड "(ब)" अन्तःस्थापित किया जाएगा, अर्थात् :—

"(ब) "विनियामक आयोग" से हिमाचल प्रदेश प्राइवेट शिक्षा संस्था (विनियामक आयोग) अधिनियम, 2010 (2011 का 15) की धारा 3 के अधीन स्थापित हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग अभिप्रेत है ।" ।

**3. धारा 3 का संशोधन.**—मूल अधिनियम की धारा 3 के खण्ड (ज) के पश्चात् निम्नलिखित नए खण्ड (झ) और (ज) अन्तःस्थापित किए जाएंगे, अर्थात् :—

"(झ) विश्वविद्यालय शिक्षा पद्धति के उद्देश्यों में सुभिन्न योगदान अर्थात् परम्परागत संस्थाओं द्वारा नेमीतः प्रस्थापित सामान्य प्रकृति के कार्यक्रमों, जो कला, विज्ञान, इंजीनियरिंग, औषधि, दंत चिकित्सा, भेषजी, प्रबन्धन इत्यादि में परम्परागत उपाधियों का मार्ग प्रशस्त करते हैं, से स्पष्टतया भिन्न शैक्षणिक विनियोजन करने के लिए सिद्ध योग्यता सहित विशेषज्ञता के क्षेत्रों में लगे रहना ; और

(ज) सुदृढ़ अंतर-विषयक अभिविन्यास और संयोजन सहित विभिन्न विषयों में विस्तृत आधारमुक्त और व्यवहार्य स्नातकपूर्व, स्नातकोत्तर और अनुसंधान कार्यक्रम स्थापित करना ।" ।

**4. धारा 10 का संशोधन.**—मूल अधिनियम की धारा 10 के द्वितीय परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात् :—

"परन्तु यह और कि विश्वविद्यालय की आय और सम्पत्ति का कोई भी भाग, प्रत्यक्षतः या परोक्षतः लाभांश, बोनस या अन्यथा, किसी भी तरह, लाभ के रूप में उन व्यक्तियों को, जो किसी समय विश्वविद्यालय के सदस्य थे या हैं या उनमें से किसी को या उनके माध्यम से दावा करने वाले किसी व्यक्ति को, संदर्भ या अन्तरित नहीं किया जाएगा, परन्तु यहां इसमें अन्तर्विष्ट कोई बात विश्वविद्यालय को प्रदान की गई किसी सेवा के प्रतिफलस्वरूप पारिश्रमिक या उसके किसी सदस्य या अन्य व्यक्ति को अथवा यात्रा या अन्य भत्तों तथा ऐसे अन्य प्रभारों के लिए सद्भावपूर्वक संदाय से निवारित नहीं करेगी ।" ।

**5. धारा 18 का संशोधन.**—मूल अधिनियम की धारा 18 के खण्ड (ग) में, "पांच" शब्द के स्थान पर "तीन" शब्द रखा जाएगा ।

**6. धारा 19 का संशोधन.**—मूल अधिनियम की धारा 19 में,—

(क) उपधारा (1) के खण्ड (ख) से (घ) के स्थान पर निम्नलिखित खण्ड रखे जाएंगे, अर्थात् :—

"(ख) दो से अनधिक संकायाध्यक्ष (विष्टिता पर आधारित चक्रानुक्रम द्वारा) ;  
(ग) विष्यात शिक्षाविदों में से या प्रबन्धन क्षेत्र से प्रायोजक निकाय द्वारा नामनिर्दिष्ट दो व्यक्ति ;

(घ) विनियामक आयोग के परामर्श से सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विष्यात शिक्षाविद ;";

(ख) इस प्रकार प्रतिस्थापित खण्ड (घ) के पश्चात् निम्नलिखित नए खण्ड (ड) और (च) अन्तःस्थापित किए जाएंगे, अर्थात् :—

"(ड) विष्टिता पर आधारित चक्रानुक्रम द्वारा शिक्षकों (आचार्यों, सह आचार्यों) में से दो व्यक्ति ; और

(च) रजिस्ट्रार, सदस्य-सचिव होगा ।"; और

(ग) उपधारा (5) के पश्चात् निम्नलिखित नई उपधारा (6) अन्तःस्थापित की जाएगी, अर्थात् :—

"(6) विश्वविद्यालय का प्रबंध बोर्ड अपने शैक्षणिक और प्रशासनिक कृत्यों का पालन करने हेतु प्रायोजक निकाय से पूर्ण स्वायत्ता सहित स्वतन्त्र होगा ।" ।

**7. धारा 31 का संशोधन.**—मूल अधिनियम की धारा 31 की उपधारा (5) में, "राज्य सरकार" शब्दों के स्थान पर "विनियामक आयोग" शब्द रखे जाएंगे ।

**8. धारा 32 का संशोधन.**—मूल अधिनियम की धारा 32 की उपधारा (1) में, "और इसे" शब्दों के पश्चात् आए शब्दों "सरकार को अनुमोदन के लिए भेजेगा और सरकार प्रस्ताव प्राप्ति के एक मास के भीतर अनुमोदन प्रदान करेगी" के स्थान पर "विनियामक आयोग द्वारा प्रदान पाठ्यक्रमों के अनुमोदन सहित प्रत्येक पूर्ववर्ती शैक्षणिक वर्ष के 31 दिसंबर से पूर्व सरकार को इसके अनुमोदन के लिए भेजेगा तथा सरकार प्रस्ताव की प्राप्ति के तीन मास के भीतर अनुमोदन सूचित करेगी" शब्द और अंक अन्तःस्थापित किए जाएंगे और उपधारा (1) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा ।

**9. धारा 33 का संशोधन.**—मूल अधिनियम की धारा 33 के परन्तुक में, "सरकार" शब्द जहां—जहां यह आता है, के स्थान पर "विनियामक आयोग" शब्द रखे जाएंगे ।

**10. धारा 34 का संशोधन.**—मूल अधिनियम की धारा 34 की उपधारा (1) के परन्तुक में, "सरकार" शब्द जहां—जहां यह आता है, के स्थान पर "विनियामक आयोग" शब्द रखे जाएंगे ।

**11. धारा 36 का प्रतिस्थापन.**—मूल अधिनियम की धारा 36 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात्:—

**"36. विश्वविद्यालय का प्रत्यायन.**—विश्वविद्यालय, समय—समय पर राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा जारी मार्गदर्शक सिद्धान्तों के अनुसार राष्ट्रीय निर्धारण और प्रत्यायन परिषद् (एन.ए.ए.सी.), बंगलौर से प्रत्यायन अभिप्राप्त करेगा और सरकार तथा ऐसे अन्य विनियमन निकायों को, जो विश्वविद्यालय द्वारा चलाए गए पाठ्यक्रमों से संबद्ध हैं, राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा विश्वविद्यालय को दिए गए ग्रेड के बारे में सूचित करेगा तथा विश्वविद्यालय ऐसे प्रत्यायन को, ऐसी अवधि के पश्चात्, जैसी विहित की जाए, नवीकृत करवाएगा ।" ।

**12. धारा 38 का संशोधन.**—मूल अधिनियम की धारा 38 की उपधारा (2) में, "वार्षिक रिपोर्ट की प्रतियां" शब्दों के पश्चात् तथा "सरकार" शब्द से पूर्व "विनियामक आयोग और" शब्द रखे जाएंगे ।

**13. धारा 39 का संशोधन.**—मूल अधिनियम की धारा 39 में,—

- (क) उपधारा (4) में, "तुलन—पत्र की प्रतियां," शब्दों और चिन्ह के पश्चात् तथा "सरकार" शब्द से पूर्व "विनियामक आयोग और" शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (5) में, "सरकार" शब्द जहां—जहां यह आता है के स्थान पर "विनियामक आयोग और सरकार" शब्द रखे जाएंगे ।

**14. धारा 40 का संशोधन.**—मूल अधिनियम की धारा 40 में,—

- (क) उपधारा (1) में, "सरकार" शब्द के पश्चात् "या विनियामक आयोग" शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (2) में, "सरकार," शब्द और चिन्ह के स्थान पर "यथास्थिति, सरकार या विनियामक आयोग" शब्द और चिन्ह रखे जाएंगे और उपधारा (3) में, "तो" शब्द के पश्चात् "यथास्थिति, विनियामक आयोग या" चिन्ह और शब्द अन्तःस्थापित किए जाएंगे ।

**THE SHOOLINI UNIVERSITY OF BIOTECHNOLOGY AND MANAGEMENT SCIENCES (ESTABLISHMENT AND REGULATION) AMENDMENT ACT, 2012**

(As Assented to by the Governor on 3rd May, 2012)

AN

ACT

*further to amend the Shoolini University of Biotechnology and Management Sciences (Establishment and Regulation) Act, 2009 (Act No. 20 of 2009).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Shoolini University of Biotechnology and Management Sciences (Establishment and Regulation) Amendment Act, 2012.

**2. Amendment of section 2.**—In section 2 of the Shoolini University of Biotechnology and Management Sciences (Establishment and Regulation) Act, 2009 (20 of 2009) (hereinafter referred to as the “principal Act”), -

- (a) in clause (n), after the words “Scientific and Industrial Research”, the words and sign “, the Himachal Pradesh Private Educational Institutions Regulatory Commission” shall be inserted.; and
- (b) after clause (v), the following new clause (w) shall be inserted, namely:-

“(w) “Regulatory Commission” means the Himachal Pradesh Private Educational Institutions Regulatory Commission, established under section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No. 15 of 2011).”.

**3. Amendment of section 3.**—In section 3 of the principal Act, after clause (h), the following new clauses (i) and (j) shall be inserted, namely:—

- “(i) to engage in areas of specialization with proven ability to make distinctive contributions to the objectives of the University education system that is academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degrees in arts, science, engineering, medicine, dental, pharmacy, management, etc. routinely offered by conventional institutions; and
- (j) to establish broad-based and viable under graduate, post graduate and research programmes in several disciplines with firm interdisciplinary orientation and linkages.”

**4. Amendment of section 10.**—In section 10 of the principal Act, after second proviso, the following third proviso shall be inserted, namely:-

“Provided further that no portion of income and property of the University shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever, by way of profit to the persons who were at any time or are members of the University or to any of them or any person claiming through them; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person as consideration for any service rendered to the University or for travelling or other allowances and such other charges.”.

**5. Amendment of section 18.**—In section 18 of the principal Act, in clause(c), for the word “five”, the word “three” shall be substituted.

**6. Amendment of section 19.**—In section 19 of the principal Act, -

(a) in sub-section (1), for clauses (b) to (d), the following clauses shall be substituted, namely:-

“(b) Deans of Faculties not exceeding two (by rotation based on seniority);  
 (c) two persons, nominated by the sponsoring body from amongst eminent educationists or from management field;  
 (d) two eminent academicians to be nominated by the Government in consultation with the Regulatory Commission;”;

(b) after clause (d) as so substituted, the following new clauses (e) and (f) shall be inserted, namely:-

“(e) two persons from amongst the teachers (from Professors, Associate Professors), by rotation based on seniority; and  
 (f) the Registrar shall be the Member Secretary.”; and

(c) after sub-section (5), the following new sub-section (6) shall be inserted, namely:-

“(6) The Board of Management of the University shall be independent of the Sponsoring Body with full autonomy to perform its academic and administrative functions.”.

**7. Amendment of section 31.**—In section 31 of the principal Act, in sub-section (5), for the words “State Government”, the words “Regulatory Commission” shall be substituted.

**8. Amendment of section 32.**—In section 32 of the principal Act, in sub-section (1), after the words “for its approval”, the words and figures “before 31<sup>st</sup> December of every preceding academic year alongwith the approval of courses granted by the Regulatory Commission” shall be inserted and the first proviso appearing below sub-section (1) shall be omitted.

**9. Amendment of section 33.**—In section 33 of the principal Act, in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**10. Amendment of section 34.**—In section 34 of the principal Act, in sub-section (1), in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**11. Substitution of section 36.**—For section 36 of the principal Act, the following section shall be substituted, namely:-

**“36. Accreditation of the University.-** The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, as per the guidelines issued by the National Assessment and Accreditation Council from time to time and inform the Government and such other regulating bodies which are connected with the courses taken up by the University about the grade provided by NAAC to the University and the University shall get renewed such accreditation after such period as may be prescribed.”.

**12. Amendment of section 38.**—In section 38 of the principal Act, in sub-section (2), after the words “presented to”, the words “the Regulatory Commission and” shall be inserted.

**13. Amendment of section 39.**—In section 39 of the principal Act,-

- (a) in sub-section (4), after the words “presented to the”, the words “Regulatory Commission and the” shall be inserted; and
- (b) in sub-section (5), for the word “Government” wherever it occur, the words “Regulatory Commission and the Government” shall be substituted.

**14. Amendment of section 40.**—In section 40 of the principal Act,-

- (a) in sub-section (1), after the words “the Government”, the words “or the Regulatory Commission” shall be inserted; and
- (b) in sub-sections (2) and (3), after the words “the Government”, the words and signs “or the Regulatory Commission, as the case may be,” shall be inserted.

### विधि विभाग

अधिसूचना

शिमला—2, 4 मई, 2012

**संख्या:एल0एल0आर0—डी0(6)—19 / 2012—लेज.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3—5—2012 को अनुमोदित चिटकारा विश्वविद्यालय (स्थापना और विनियमन) संशोधन विधेयक, 2012 (2012 का विधेयक संख्यांक 20) को वर्ष 2012 के अधिनियम संख्यांक 19 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई—राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
(अवतार चन्द डोगरा),  
प्रधान सचिव (विधि)।

## चिटकारा विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012

(राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को यथाअनुमोदित)

चिटकारा विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2008 (2009 का अधिनियम संख्यांक 2) का और संशोधन करने के लिए विधेयक ।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

**1. संक्षिप्त नाम.**—इस अधिनियम का संक्षिप्त नाम चिटकारा विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012 है ।

**2. धारा 2 का संशोधन.**—चिटकारा विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2008 (2009 का 2) (जिसे इसमें इसके पश्चात् "मूल अधिनियम" कहा गया है) की धारा 2 में,—

- (क) खण्ड (द) में "वैज्ञानिक और औद्योगिक अनुसंधान परिषद्" शब्दों के पश्चात् ",हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग" चिन्ह और शब्द रखे जाएंगे ; और
- (ख) खण्ड "(फ)" के पश्चात् निम्नलिखित नया खण्ड "(ब)" अन्तःस्थापित किया जाएगा, अर्थात् :—

"(ब) "विनियामक आयोग" से हिमाचल प्रदेश प्राइवेट शिक्षा संस्था (विनियामक आयोग) अधिनियम, 2010 (2011 का 15) की धारा 3 के अधीन स्थापित हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग अभिप्रेत है । " ।

**3. धारा 3 का संशोधन.**—मूल अधिनियम की धारा 3 के खण्ड (ज) के पश्चात् निम्नलिखित नए खण्ड (झ) और (ज) अन्तःस्थापित किए जाएंगे, अर्थात् :—

"(झ) विश्वविद्यालय शिक्षा पद्धति के उद्देश्यों में सुभिन्न योगदान अर्थात् परम्परागत संस्थाओं द्वारा नेमीतः प्रस्थापित सामान्य प्रकृति के कार्यक्रमों, जो कला, विज्ञान, इंजीनियरिंग, औषधि, दंत चिकित्सा, भेषजी, प्रबन्धन इत्यादि में परम्परागत उपाधियों का मार्ग प्रशस्त करते हैं, से स्पष्टतया भिन्न शैक्षणिक विनियोजन करने के लिए सिद्ध योग्यता सहित विशेषज्ञता के क्षेत्रों में लगे रहना ; और

(ज) सुदृढ़ अंतर-विषयक अभिविन्यास और संयोजन सहित विभिन्न विषयों में विस्तृत आधारमुक्त और व्यवहार्य स्नातकपूर्व, स्नातकोत्तर और अनुसंधान कार्यक्रम स्थापित करना । " ।

**4. धारा 10 का संशोधन.**—मूल अधिनियम की धारा 10 के द्वितीय परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात् :—

"परन्तु यह और कि विश्वविद्यालय की आय और सम्पत्ति का कोई भी भाग, प्रत्यक्षतः या परोक्षतः लाभांश, बोनस या अन्यथा, किसी भी तरह, लाभ के रूप में उन व्यक्तियों को, जो किसी समय विश्वविद्यालय के सदस्य थे या हैं या उनमें से किसी को या उनके माध्यम से दावा करने वाले किसी व्यक्ति को, संदर्भ या अन्तरित नहीं किया जाएगा, परन्तु यहां इसमें अन्तर्विष्ट कोई बात विश्वविद्यालय को प्रदान की गई किसी सेवा के प्रतिफलस्वरूप पारिश्रमिक या उसके किसी सदस्य या अन्य व्यक्ति को अथवा यात्रा या अन्य भृत्यों तथा ऐसे अन्य प्रभारों के लिए सद्भावपूर्वक संदाय से निवारित नहीं करेगी । " ।

**5. धारा 18 का संशोधन।—मूल अधिनियम की धारा 18 के खण्ड (ग) में, "पांच" शब्द के स्थान पर "तीन" शब्द रखा जाएगा।**

**6. धारा 19 का संशोधन।—मूल अधिनियम की धारा 19 में,—**

(क) उपधारा (1) के खण्ड (ख) से (घ) के स्थान पर निम्नलिखित खण्ड रखे जाएंगे, अर्थात् :—

"(ख) दो से अनधिक संकायाध्यक्ष (वरिष्ठता पर आधारित चक्रानुक्रम द्वारा) ;

(ग) विख्यात शिक्षाविदों में से या प्रबन्धन क्षेत्र से प्रायोजक निकाय द्वारा नामनिर्दिष्ट दो व्यक्ति ;

(घ) विनियामक आयोग के परामर्श से सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विख्यात शिक्षाविद् ;";

(ख) इस प्रकार प्रतिस्थापित खण्ड (घ) के पश्चात्, निम्नलिखित नए खण्ड (ङ) और (च) अन्तःस्थापित किए जाएंगे, अर्थात् :—

"(ङ) वरिष्ठता पर आधारित चक्रानुक्रम द्वारा शिक्षकों (आचार्यों, सह आचार्यों) में से दो व्यक्ति ; और

(च) रजिस्ट्रार, सदस्य—सचिव होगा ।"; और

(ग) उपधारा (5) के पश्चात्, निम्नलिखित नई उपधारा (6) अन्तःस्थापित की जाएगी, अर्थात् :—

"(6) विश्वविद्यालय का प्रबंध बोर्ड अपने शैक्षणिक और प्रशासनिक कृत्यों का पालन करने हेतु प्रायोजक निकाय से पूर्ण स्वायत्ता सहित स्वतन्त्र होगा ।" ।

**7. धारा 31 का संशोधन।—मूल अधिनियम की धारा 31 की उपधारा (5) में, "राज्य सरकार" शब्दों के स्थान पर "विनियामक आयोग" शब्द रखे जाएंगे।**

**8. धारा 32 का संशोधन।—मूल अधिनियम की धारा 32 की उपधारा (1) में, "और इसे" शब्दों के पश्चात् आए शब्दों "सरकार को अनुमोदन के लिए भेजेगा और सरकार प्रस्ताव प्राप्ति के एक मास के भीतर अनुमोदन प्रदान करेगी" के स्थान पर "विनियामक आयोग द्वारा प्रदान पाठ्यक्रमों के अनुमोदन सहित प्रत्येक पूर्ववर्ती शैक्षणिक वर्ष के 31 दिसम्बर से पूर्व सरकार को इसके अनुमोदन के लिए भेजेगा तथा सरकार प्रस्ताव की प्राप्ति के तीन मास के भीतर अनुमोदन सूचित करेगी" शब्द और अंक अन्तःस्थापित किए जाएंगे और उपधारा (1) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा।**

**9. धारा 33 का संशोधन।—मूल अधिनियम की धारा 33 के परन्तुक में, "सरकार" शब्द जहां—जहां यह आता है के स्थान पर "विनियामक आयोग" शब्द रखे जाएंगे।**

**10. धारा 34 का संशोधन।—मूल अधिनियम की धारा 34 की उपधारा (1) के परन्तुक में, "सरकार" शब्द जहां—जहां यह आता है, के स्थान पर "विनियामक आयोग" शब्द रखे जाएंगे।**

**11. धारा 36 का प्रतिस्थापन।—मूल अधिनियम की धारा 36 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात्:—**

**"36. विश्वविद्यालय का प्रत्यायन।—विश्वविद्यालय, समय—समय पर राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा जारी मार्गदर्शक सिद्धान्तों के अनुसार राष्ट्रीय निर्धारण और प्रत्यायन परिषद् (एन.ए.ए.सी.), बंगलौर से प्रत्यायन अभिप्राप्त करेगा और सरकार तथा ऐसे अन्य विनियमन निकायों को,**

जो विश्वविद्यालय द्वारा चलाए गए पाठ्यक्रमों से संबद्ध हैं, राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा विश्वविद्यालय को दिए गए ग्रेड के बारे में सूचित करेगा तथा विश्वविद्यालय ऐसे प्रत्यायन को, ऐसी अवधि के पश्चात्, जैसी विहित की जाए, नवीकृत करवाएगा । ” ।

**12. धारा 38 का संशोधन.**—मूल अधिनियम की धारा 38 की उपधारा (2) में, “वार्षिक रिपोर्ट की प्रतियां” शब्दों के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द रखे जाएंगे ।

**13. धारा 39 का संशोधन.**—मूल अधिनियम की धारा 39 में,—

- (क) उपधारा (4) में, “तुलन—पत्र की प्रतियां,” शब्दों और चिन्ह के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (5) में, “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग और सरकार” शब्द रखे जाएंगे ।

**14. धारा 40 का संशोधन.**—मूल अधिनियम की धारा 40 में,—

- (क) उपधारा (1) में, “सरकार” शब्द के पश्चात् “या विनियामक आयोग” शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (2) में, “सरकार,” शब्द और चिन्ह के स्थान पर “यथास्थिति, सरकार या विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे और उपधारा (3) में, “तो” शब्द के पश्चात् “यथास्थिति, विनियामक आयोग या” चिन्ह और शब्द अन्तःस्थापित किए जाएंगे ।

#### AUTHORITATIVE ENGLISH TEXT

#### ACT NO. 19 OF 2012

#### THE CHITKARA UNIVERSITY (ESTABLISHMENT AND REGULATION) AMENDMENT ACT, 2012

(AS ASSENTED TO BY THE GOVERNOR ON 3RD MAY, 2012)

AN

ACT

*further to amend the Chitkara University (Establishment and Regulation) Act, 2008 (Act No. 2 of 2009).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Chitkara University (Establishment and Regulation) Amendment Act, 2012.

**2. Amendment of section 2.**—In section 2 of the Chitkara University (Establishment and Regulation) Act, 2008 (2 of 2009) (hereinafter referred to as the “principal Act”), -

(a) in clause (n), after the words “Scientific and Industrial Research”, the words and sign “, the Himachal Pradesh Private Educational Institutions Regulatory Commission” shall be inserted.; and

(b) after clause (v), the following new clause (w) shall be inserted, namely:-

“(w) “Regulatory Commission” means the Himachal Pradesh Private Educational Institutions Regulatory Commission, established under section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No. 15 of 2011).”.

**3. Amendment of section 3.**—In section 3 of the principal Act, after clause (h), the following new clauses (i) and (j) shall be inserted, namely:—

“(i) to engage in areas of specialization with proven ability to make distinctive contributions to the objectives of the University education system that is academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degrees in arts, science, engineering, medicine, dental, pharmacy, management, etc. routinely offered by conventional institutions; and

(j) to establish broad-based and viable under graduate, post graduate and research programmes in several disciplines with firm interdisciplinary orientation and linkages.”.

**4. Amendment of section 10.**—In section 10 of the principal Act, after second proviso, the following third proviso shall be inserted, namely:-

“Provided further that no portion of income and property of the University shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever, by way of profit to the persons who were at any time or are members of the University or to any of them or any person claiming through them; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person as consideration for any service rendered to the University or for travelling or other allowances and such other charges.”.

**5. Amendment of section 18.**—In section 18 of the principal Act, in clause(c), for the word “five”, the word “three” shall be substituted.

**6. Amendment of section 19.**—In section 19 of the principal Act, -

(a) in sub-section (1), for clauses (b) to (d), the following clauses shall be substituted, namely:-

“(b) Deans of Faculties not exceeding two (by rotation based on seniority);

(c) two persons, nominated by the sponsoring body from amongst eminent educationists or from management field;

(d) two eminent academicians to be nominated by the Government in consultation with the Regulatory Commission;”;

(b) after clause (d) as so substituted, the following new clauses (e) and (f) shall be inserted, namely:-

“(e) two persons from amongst the teachers (from Professors, Associate Professors), by rotation based on seniority; and

(f) the Registrar shall be the Member Secretary.”; and

(c) after sub-section (5), the following new sub-section (6) shall be inserted, namely:-

“(6) The Board of Management of the University shall be independent of the Sponsoring Body with full autonomy to perform its academic and administrative functions.”.

**7. Amendment of section 31.**—In section 31 of the principal Act, in sub-section (5), for the words “State Government”, the words “Regulatory Commission” shall be substituted.

**8. Amendment of section 32.**—In section 32 of the principal Act, in sub-section (1), after the words “for its approval”, the words and figures “before 31<sup>st</sup> December of every preceding academic year alongwith the approval of courses granted by the Regulatory Commission” shall be inserted and the first proviso appearing below sub-section (1) shall be omitted.

**9. Amendment of section 33.**—In section 33 of the principal Act, in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**10. Amendment of section 34.**—In section 34 of the principal Act, in sub-section (1), in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**11. Substitution of section 36.**— For section 36 of the principal Act, the following section shall be substituted, namely:-

**“36. Accreditation of the University.**—The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, as per the guidelines issued by the National Assessment and Accreditation Council from time to time and inform the Government and such other regulating bodies which are connected with the courses taken up by the University about the grade provided by NAAC to the University and the University shall get renewed such accreditation after such period as may be prescribed.”.

**12. Amendment of section 38.**—In section 38 of the principal Act, in sub-section (2), after the words “presented to”, the words “the Regulatory Commission and” shall be inserted.

**13. Amendment of section 39.**—In section 39 of the principal Act,-

(a) in sub-section (4), after the words “presented to the”, the words “Regulatory Commission and the” shall be inserted; and

(b) in sub-section (5), for the word “Government” wherever it occur, the words “Regulatory Commission and the Government” shall be substituted.

**14. Amendment of section 40.—**In section 40 of the principal Act,-

- (a) in sub-section (1), after the words “the Government”, the words “or the Regulatory Commission” shall be inserted; and
- (b) in sub-sections (2) and (3), after the words “the Government”, the words and signs “or the Regulatory Commission, as the case may be,” shall be inserted.

**विधि विभाग**

अधिसूचना

शिमला—2, 4 मई, 2012

**संख्या:एल0एल0आर0—डी0(6)—18 / 2012—लेज.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3—5—2012 को अनुमोदित ईटरनल विश्वविद्यालय (स्थापना और विनियमन) संशोधन विधेयक, 2012 (2012 का विधेयक संख्यांक 18) को वर्ष 2012 के अधिनियम संख्यांक 23 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई—राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
(अवतार चन्द डोगरा),  
प्रधान सचिव (विधि)।

**2012 का अधिनियम संख्यांक 23**

**ईटरनल विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012**

(राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को यथाअनुमोदित)

ईटरनल विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2008 (2009 का अधिनियम संख्यांक 3) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

**1. संक्षिप्त नाम.**—इस अधिनियम का संक्षिप्त नाम ईटरनल विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012 है।

**2. धारा 2 का संशोधन.**—ईटरनल विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2008 (2009 का 3) (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 2 में,—

(क) खण्ड (द) में, “भारतीय वैज्ञानिक अनुसंधान परिषद्” शब्दों के स्थान पर ”हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग” विन्ह और शब्द रखे जाएंगे ; और

(ख) खण्ड ”(फ)“ के पश्चात् निम्नलिखित नया खण्ड ”(ब)“ अन्तःस्थापित किया जाएगा, अर्थात् :—

"(ब) "विनियामक आयोग" से हिमाचल प्रदेश प्राइवेट शिक्षा संस्था (विनियामक आयोग) अधिनियम, 2010 (2011 का 15) की धारा 3 के अधीन स्थापित हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग अभिप्रेत है ।" ।

**3. धारा 3 का संशोधन।—**मूल अधिनियम की धारा 3 के खण्ड (ज) के पश्चात् निम्नलिखित नए खण्ड (झ) और (ज) अन्तःस्थापित किए जाएंगे, अर्थात् :—

"(झ) विश्वविद्यालय शिक्षा पद्धति के उद्देश्यों में सुभिन्न योगदान अर्थात् परम्परागत संस्थाओं द्वारा नेमीतः प्रस्थापित सामान्य प्रकृति के कार्यक्रमों, जो कला, विज्ञान, इंजीनियरिंग, औषधि, दंत चिकित्सा, भेषजी, प्रबन्धन इत्यादि में परम्परागत उपाधियों का मार्ग प्रशस्त करते हैं, से स्पष्टतया भिन्न शैक्षणिक विनियोजन करने के लिए सिद्ध योग्यता सहित विशेषज्ञता के क्षेत्रों में लगे रहना ; और

(ज) सुदृढ़ अंतर—विषयक अभिविन्यास और संयोजन सहित विभिन्न विषयों में विस्तृत आधारमुक्त और व्यवहार्य स्नातकपूर्व, स्नातकोत्तर और अनुसंधान कार्यक्रम स्थापित करना ।" ।

**4. धारा 10 का संशोधन।—**मूल अधिनियम की धारा 10 के द्वितीय परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात् :—

"परन्तु यह और कि विश्वविद्यालय की आय और सम्पत्ति का कोई भी भाग, प्रत्यक्षतः या परोक्षतः लाभांश, बोनस या अन्यथा, किसी भी तरह, लाभ के रूप में उन व्यक्तियों को, जो किसी समय विश्वविद्यालय के सदस्य थे या हैं या उनमें से किसी को या उनके माध्यम से दावा करने वाले किसी व्यक्ति को, संदर्भ या अन्तरित नहीं किया जाएगा, परन्तु यहां इसमें अन्तर्विष्ट कोई बात विश्वविद्यालय को प्रदान की गई किसी सेवा के प्रतिफलस्वरूप पारिश्रमिक या उसके किसी सदस्य या अन्य व्यक्ति को अथवा यात्रा या अन्य भत्तों तथा ऐसे अन्य प्रभारों के लिए सद्भावपूर्वक संदाय से निवारित नहीं करेगी ।" ।

**5. धारा 18 का संशोधन।—**मूल अधिनियम की धारा 18 के खण्ड (ग) में, "पांच" शब्द के स्थान पर "तीन" शब्द रखा जाएगा ।

**6. धारा 19 का संशोधन।—**मूल अधिनियम की धारा 19 में,—

(क) उपधारा (1) के खण्ड (ख) से (घ) के स्थान पर निम्नलिखित खण्ड रखे जाएंगे, अर्थात् :—

"(ख) दो से अनधिक संकायाध्यक्ष (वरिष्ठता पर आधारित चक्रानुक्रम द्वारा) ;

(ग) विष्यात शिक्षाविदों में से या प्रबन्धन क्षेत्र से प्रायोजक निकाय द्वारा नामनिर्दिष्ट दो व्यक्ति ;

(घ) विनियामक आयोग के परामर्श से सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विष्यात शिक्षाविद ;";

(ख) इस प्रकार प्रतिस्थापित खण्ड (घ) के पश्चात् निम्नलिखित नए खण्ड (ड) और (च) अन्तःस्थापित किए जाएंगे, अर्थात् :—

"(ड) वरिष्ठता पर आधारित चक्रानुक्रम द्वारा शिक्षकों (आचार्यों, सह आचार्यों) में से दो व्यक्ति ; और

(च) रजिस्ट्रार सदस्य—सचिव होगा ।"; और

(ग) उपधारा (5) के पश्चात् निम्नलिखित नई उपधारा (6) अन्तःस्थापित की जाएगी, अर्थात् :—

"(6) विश्वविद्यालय का प्रबंध बोर्ड अपने शैक्षणिक और प्रशासनिक कृत्यों का पालन करने हेतु प्रायोजक निकाय से पूर्ण स्वायत्तता सहित स्वतन्त्र होगा ।" ।

**7. धारा 31 का संशोधन.**—मूल अधिनियम की धारा 31 की उपधारा (5) में, “राज्य सरकार” शब्दों के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**8. धारा 32 का संशोधन.**—मूल अधिनियम की धारा 32 की उपधारा (1) में, “और इसे” शब्दों के पश्चात् आए शब्दों “सरकार को अनुमोदन के लिए भेजेगा और सरकार प्रस्ताव प्राप्ति के एक मास के भीतर अनुमोदन प्रदान करेगी” के स्थान पर “विनियामक आयोग द्वारा प्रदान पाठ्यक्रमों के अनुमोदन सहित प्रत्येक पूर्वर्ती शैक्षणिक वर्ष के 31 दिसंबर से पूर्व सरकार को इसके अनुमोदन के लिए भेजेगा तथा सरकार प्रस्ताव की प्राप्ति के तीन मास के भीतर अनुमोदन सूचित करेगी” शब्द और अंक अन्तःस्थापित किए जाएंगे और उपधारा (1) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा ।

**9. धारा 33 का संशोधन.**—मूल अधिनियम की धारा 33 के परन्तुक में, “सरकार” शब्द जहां-जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**10. धारा 34 का संशोधन.**—मूल अधिनियम की धारा 34 की उपधारा (1) के परन्तुक में, “सरकार” शब्द जहां-जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**11. धारा 36 का प्रतिस्थापन.**—मूल अधिनियम की धारा 36 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात्:—

“36. **विश्वविद्यालय का प्रत्यायन.**—विश्वविद्यालय, समय-समय पर राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा जारी मार्गदर्शक सिद्धान्तों के अनुसार राष्ट्रीय निर्धारण और प्रत्यायन परिषद् (एन.ए.ए.सी.), बंगलौर से प्रत्यायन अभिप्राप्त करेगा और सरकार तथा ऐसे अन्य विनियमन निकायों को, जो विश्वविद्यालय द्वारा चलाए गए पाठ्यक्रमों से संबद्ध हैं, राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा विश्वविद्यालय को दिए गए ग्रेड के बारे में सूचित करेगा तथा विश्वविद्यालय ऐसे प्रत्यायन को, ऐसी अवधि के पश्चात् जैसी विहित की जाए, नवीकृत करवाएगा । ” ।

**12. धारा 38 का संशोधन.**—मूल अधिनियम की धारा 38 की उपधारा (2) में, “वार्षिक रिपोर्ट की प्रतियां” शब्दों के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द रखे जाएंगे ।

**13. धारा 39 का संशोधन.**—मूल अधिनियम की धारा 39 में,—

(क) उपधारा (4) में, “तुलन-पत्र की प्रतियां,” शब्दों और चिन्ह के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द अन्तःस्थापित किए जाएंगे ; और

(ख) उपधारा (5) में, “सरकार” शब्द जहां-जहां यह आता है के स्थान पर “विनियामक आयोग और सरकार” शब्द रखे जाएंगे ।

**14. धारा 40 का संशोधन.**—मूल अधिनियम की धारा 40 में,—

(क) उपधारा (1) में, “सरकार” शब्द के पश्चात् “या विनियामक आयोग” शब्द अन्तःस्थापित किए जाएंगे ; और

(ख) उपधारा (2) में, “सरकार,” शब्द और चिन्ह के स्थान पर “यथास्थिति, सरकार या विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे और उपधारा (3) में, “तो” शब्द के पश्चात् “यथास्थिति, विनियामक आयोग या” चिन्ह और शब्द अन्तःस्थापित किए जाएंगे ।

## ACT NO. 23 OF 2012

**THE ETERNAL UNIVERSITY (ESTABLISHMENT AND REGULATION)  
AMENDMENT ACT, 2012**

(As ASSENTED TO BY THE GOVERNOR ON 3RD MAY, 2012)

AN

ACT

*further to amend the Eternal University (Establishment and Regulation) Act, 2008 (Act No. 3 of 2009).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Eternal University (Establishment and Regulation) Amendment Act, 2012.

**2. Amendment of section 2.**—In section 2 of the Eternal University (Establishment and Regulation) Act, 2008 (3 of 2009) (hereinafter referred to as the “principal Act”), -

(a) in clause (n), after the words “Scientific and Industrial Research”, the words and sign “, the Himachal Pradesh Private Educational Institutions Regulatory Commission” shall be inserted.; and

(b) after clause (v), the following new clause (w) shall be inserted, namely:-

“(w) “Regulatory Commission” means the Himachal Pradesh Private Educational Institutions Regulatory Commission, established under section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No. 15 of 2011).”.

**3. Amendment of section 3.**—In section 3 of the principal Act, after clause (h), the following new clauses (i) and (j) shall be inserted, namely:—

“(i) to engage in areas of specialization with proven ability to make distinctive contributions to the objectives of the University education system that is academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degrees in arts, science, engineering, medicine, dental, pharmacy, management, etc. routinely offered by conventional institutions; and

(j) to establish broad-based and viable under graduate, post graduate and research programmes in several disciplines with firm interdisciplinary orientation and linkages.”.

**4. Amendment of section 10.**— In section 10 of the principal Act, after second proviso, the following third proviso shall be inserted, namely:-

“Provided further that no portion of income and property of the University shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever, by way of

profit to the persons who were at any time or are members of the University or to any of them or any person claiming through them; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person as consideration for any service rendered to the University or for travelling or other allowances and such other charges.”.

**5. Amendment of section 18.**—In section 18 of the principal Act, in clause(c), for the word “five”, the word “three” shall be substituted.

**6. Amendment of section 19.**—In section 19 of the principal Act, -

(a) in sub-section (1), for clauses (b) to (d), the following clauses shall be substituted, namely:-

- “(b) Deans of Faculties not exceeding two (by rotation based on seniority);
- (c) two persons, nominated by the sponsoring body from amongst eminent educationists or from management field;
- (d) two eminent academicians to be nominated by the Government in consultation with the Regulatory Commission;”;
- (b) after clause (d) as so substituted, the following new clauses (e) and (f) shall be inserted, namely:-

  - “(e) two persons from amongst the teachers (from Professors, Associate Professors), by rotation based on seniority; and
  - (f) the Registrar shall be the Member Secretary.”; and

- (c) after sub-section (5), the following new sub-section (6) shall be inserted, namely:-

“(6) The Board of Management of the University shall be independent of the Sponsoring Body with full autonomy to perform its academic and administrative functions.”.

**7. Amendment of section 31.**—In section 31 of the principal Act, in sub-section (5), for the words “State Government”, the words “Regulatory Commission” shall be substituted.

**8. Amendment of section 32.**—In section 32 of the principal Act, in sub-section (1), after the words “for its approval”, the words and figures “before 31<sup>st</sup> December of every preceding academic year alongwith the approval of courses granted by the Regulatory Commission” shall be inserted and the first proviso appearing below sub-section (1) shall be omitted.

**9. Amendment of section 33.**—In section 33 of the principal Act, in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**10. Amendment of section 34.**—In section 34 of the principal Act, in sub-section (1), in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**11. Substitution of section 36.**—For section 36 of the principal Act, the following section shall be substituted, namely:-

**“36. Accreditation of the University.-** The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, as per the guidelines issued by the National Assessment and Accreditation Council from time to time and inform the Government and such other regulating bodies which are connected with the courses taken up by the University about the grade provided by NAAC to the University and the University shall get renewed such accreditation after such period as may be prescribed.”.

**12. Amendment of section 38.**—In section 38 of the principal Act, in sub-section (2), after the words “presented to”, the words “the Regulatory Commission and” shall be inserted.

**13. Amendment of section 39.**—In section 39 of the principal Act,-

- (a) in sub-section (4), after the words “presented to the”, the words “Regulatory Commission and the” shall be inserted.; and
- (b) in sub-section (5), for the word “Government” wherever it occur, the words “Regulatory Commission and the Government” shall be substituted.

**14. Amendment of section 40.**—In section 40 of the principal Act,-

- (a) in sub-section (1), after the words “the Government”, the words “or the Regulatory Commission” shall be inserted; and
- (b) in sub-sections (2) and (3), after the words “the Government”, the words and signs “or the Regulatory Commission, as the case may be,” shall be inserted.

विधि विभाग

अधिसूचना

शिमला—2, 4 मई, 2012

**संख्या:एल0एल0आर0-डी0(6)-20/2012-लेज.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3-5-2012 को अनुमोदित दि इनस्ट्रिट्यूट ऑफ चार्टर्ड फाइनैशंसल एनॅलिस्ट्स ऑफ इन्डिया विश्वविद्यालय (स्थापना और विनियमन) संशोधन विधेयक, 2012 (2012 का विधेयक संख्यांक 17) को वर्ष 2012 के अधिनियम संख्यांक 16 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
(अवतार चन्द डोगरा),  
प्रधान सचिव (विधि)।

**दि इन्स्टिट्यूट ऑफ चार्टर्ड फाइनैंशॉल एनॅलिस्ट्स ऑफ इन्डिया विश्वविद्यालय  
(स्थापना और विनियमन) संशोधन अधिनियम, 2012**

(राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को यथाअनुमोदित)

दि इन्स्टिट्यूट ऑफ चार्टर्ड फाइनैंशॉल एनॅलिस्ट्स ऑफ इन्डिया विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2011 (2011 का अधिनियम संख्यांक 43) का संशोधन करने के लिए अधिनियम ।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

**1. संक्षिप्त नाम।**—इस अधिनियम का संक्षिप्त नाम दि इन्स्टिट्यूट ऑफ चार्टर्ड फाइनैंशॉल एनॅलिस्ट्स ऑफ इन्डिया विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012 है ।

**2. धारा 2 का संशोधन।**—दि इन्स्टिट्यूट ऑफ चार्टर्ड फाइनैंशॉल एनॅलिस्ट्स ऑफ इन्डिया विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2011 (2011 का 43) (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 2 में,—

(क) खण्ड (द) में “वैज्ञानिक और औद्योगिक अनुसंधान परिषद्” शब्दों के पश्चात् “,हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे ; और

(ख) खण्ड “(फ)” के पश्चात् निम्नलिखित नया खण्ड “(ब)” अन्तःस्थापित किया जाएगा, अर्थात् :—

“(ब) “विनियामक आयोग” से हिमाचल प्रदेश प्राइवेट शिक्षा संस्था (विनियामक आयोग) अधिनियम, 2010 (2011 का 15) की धारा 3 के अधीन स्थापित हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग अभिप्रेत है ।” ।

**3. धारा 3 का संशोधन।**—मूल अधिनियम की धारा 3 के खण्ड (ज) के पश्चात् निम्नलिखित नए खण्ड (झ) और (झ) अन्तःस्थापित किए जाएंगे, अर्थात् :—

“(झ) विश्वविद्यालय शिक्षा पद्धति के उद्देश्यों में सुभिन्न योगदान अर्थात् परम्परागत संस्थाओं द्वारा नेमीतः प्रस्थापित सामान्य प्रकृति के कार्यक्रमों, जो कला, विज्ञान, इंजीनियरिंग, औषधि, दंत चिकित्सा, भेषजी, प्रबन्धन इत्यादि में परम्परागत उपाधियों का मार्ग प्रशस्त करते हैं, से स्पष्टतया भिन्न शैक्षणिक विनियोजन करने के लिए सिद्ध योग्यता सहित विशेषज्ञता के क्षेत्रों में लगे रहना ; और

(झ) सुदृढ़ अंतर-विषयक अभिविन्यास और संयोजन सहित विभिन्न विषयों में विस्तृत आधारमुक्त और व्यवहार्य स्नातकपूर्व, स्नातकोत्तर और अनुसंधान कार्यक्रम स्थापित करना ।” ।

**4. धारा 10 का संशोधन।**—मूल अधिनियम की धारा 10 के द्वितीय परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात् :—

“परन्तु यह और कि विश्वविद्यालय की आय और सम्पत्ति का कोई भी भाग, प्रत्यक्षतः या परोक्षतः लाभांश, बोनस या अन्यथा, किसी भी तरह, लाभ के रूप में उन व्यक्तियों को, जो किसी समय विश्वविद्यालय के सदस्य थे या हैं या उनमें से किसी को या उनके माध्यम से दावा करने वाले किसी व्यक्ति को, संदर्भ या अन्तरित नहीं किया जाएगा, परन्तु यहां इसमें अन्तर्विष्ट कोई बात विश्वविद्यालय को प्रदान की गई किसी सेवा के प्रतिफलस्वरूप पारिश्रमिक या उसके किसी

सदस्य या अन्य व्यक्ति को अथवा यात्रा या अन्य भूतों तथा ऐसे अन्य प्रभारों के लिए सद्भावपूर्वक संदाय से निवारित नहीं करेगी । ” ।

**5. धारा 18 का संशोधन.**—मूल अधिनियम की धारा 18 के खण्ड (ग) में “पांच” शब्द के स्थान पर “तीन” शब्द रखा जाएगा ।

**6. धारा 19 का संशोधन.**—मूल अधिनियम की धारा 19 में,—

(क) उपधारा (1) के खण्ड (ख) से (घ) के स्थान पर निम्नलिखित खण्ड रखे जाएंगे, अर्थात् :—

“(ख) दो से अनधिक संकायाध्यक्ष (वरिष्ठता पर आधारित चक्रानुक्रम द्वारा) ;

(ग) विख्यात शिक्षाविदों में से या प्रबन्धन क्षेत्र से प्रायोजक निकाय द्वारा नामनिर्दिष्ट दो व्यक्ति ;

(घ) विनियामक आयोग के परामर्श से सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विख्यात शिक्षाविद् ; ” ;

(ख) इस प्रकार प्रतिस्थापित खण्ड (घ) के पश्चात् निम्नलिखित नए खण्ड (ड) और (च) अन्तःस्थापित किए जाएंगे, अर्थात् :—

“(ड) वरिष्ठता पर आधारित चक्रानुक्रम द्वारा शिक्षकों (आचार्यों, सह आचार्यों) में से दो व्यक्ति ; और

(च) रजिस्ट्रार सदस्य—सचिव होगा । ”; और

(ग) उपधारा (5) के पश्चात् निम्नलिखित नई उपधारा (6) अन्तःस्थापित की जाएगी, अर्थात् :—

“(6) विश्वविद्यालय का प्रबंध बोर्ड अपने शैक्षणिक और प्रशासनिक कृत्यों का पालन करने हेतु प्रायोजक निकाय से पूर्ण स्वायत्तता सहित स्वतन्त्र होगा । ” ।

**7. धारा 31 का संशोधन.**—मूल अधिनियम की धारा 31 की उपधारा (5) में “राज्य सरकार” शब्दों के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**8. धारा 32 का संशोधन.**—मूल अधिनियम की धारा 32 की उपधारा (1) में “और इसे” शब्दों के पश्चात् आए शब्दों “सरकार को अनुमोदन के लिए भेजेगा और सरकार प्रस्ताव प्राप्ति के एक मास के भीतर अनुमोदन प्रदान करेगी” के स्थान पर “विनियामक आयोग द्वारा प्रदान पाठ्यक्रमों के अनुमोदन सहित प्रत्येक पूर्वर्ती शैक्षणिक वर्ष के 31 दिसम्बर से पूर्व सरकार को इसके अनुमोदन के लिए भेजेगा तथा सरकार प्रस्ताव की प्राप्ति के तीन मास के भीतर अनुमोदन सूचित करेगी” शब्द और अंक अन्तःस्थापित किए जाएंगे और उपधारा (1) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा ।

**9. धारा 33 का संशोधन.**—मूल अधिनियम की धारा 33 के परन्तुक में “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**10. धारा 34 का संशोधन.**—मूल अधिनियम की धारा 34 की उपधारा (1) के परन्तुक में “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**11. धारा 36 का प्रतिस्थापना।—**मूल अधिनियम की धारा 36 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात्:—

**“36. विश्वविद्यालय का प्रत्यायन।—**विश्वविद्यालय, समय—समय पर राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा जारी मार्गदर्शक सिद्धान्तों के अनुसार राष्ट्रीय निर्धारण और प्रत्यायन परिषद् (एन.ए.ए.सी), बंगलौर से प्रत्यायन अभिप्राप्त करेगा और सरकार तथा ऐसे अन्य विनियमन निकायों को, जो विश्वविद्यालय द्वारा चलाए गए पाठ्यक्रमों से संबद्ध हैं, राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा विश्वविद्यालय को दिए गए ग्रेड के बारे में सूचित करेगा तथा विश्वविद्यालय ऐसे प्रत्यायन को, ऐसी अवधि के पश्चात्, जैसी विहित की जाए, नवीकृत करवाएगा ।”।

**12. धारा 38 का संशोधन।—**मूल अधिनियम की धारा 38 की उपधारा (2) में ‘वार्षिक रिपोर्ट की प्रतियाँ’ शब्दों के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द रखे जाएंगे ।

**13. धारा 39 का संशोधन।—**मूल अधिनियम की धारा 39 में,—

- (क) उपधारा (4) में “तुलन—पत्र की प्रतियाँ,” शब्दों और चिन्ह के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (5) में “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग और सरकार” शब्द रखे जाएंगे ।

**14. धारा 40 का संशोधन।—**मूल अधिनियम की धारा 40 में,—

- (क) उपधारा (1) में “सरकार” शब्द के पश्चात् “या विनियामक आयोग” शब्द अन्तःस्थापित किए जाएंगे ; और
- (ख) उपधारा (2) में “सरकार” शब्द और चिन्ह के स्थान पर “यथास्थिति, सरकार या विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे और उपधारा (3) में ‘‘तो’’ शब्द के पश्चात् “यथास्थिति, विनियामक आयोग या” चिन्ह और शब्द अन्तःस्थापित किए जाएंगे ।

#### AUTHORITATIVE ENGLISH TEXT

**Act No. 16 of 2012**

#### **THE INSTITUTE OF CHARTERED FINANCIAL ANALYSTS OF INDIA UNIVERSITY (ESTABLISHMENT AND REGULATION) AMENDMENT ACT, 2012**

(AS ASSENTED TO BY THE GOVERNOR ON 3RD MAY, 2012)

AN

ACT

*further to amend the Institute of Chartered Financial Analysts of India University (Establishment and Regulation) Act, 2011 (Act No. 43 of 2011).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Institute of Chartered Financial Analysts of India University (Establishment and Regulation) Amendment Act, 2012.

**2. Amendment of section 2.**—In section 2 of the Institute of Chartered Financial Analysts of India University (Establishment and Regulation) Act, 2011 (43 of 2011) (hereinafter referred to as the “principal Act”),—

(a) in clause (n), for the words “Council of Scientific and Indian Research”, the words and sign “Council of Scientific and Industrial Research, the Himachal Pradesh Private Educational Institutions Regulatory Commission” shall be substituted.; and

(b) after clause (v), the following new clause (w) shall be inserted, namely:—

“(w) “Regulatory Commission” means the Himachal Pradesh Private Educational Institutions Regulatory Commission, established under section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No. 15 of 2011).”.

**3. Amendment of section 3.**—In section 3 of the principal Act, after clause (h), the following new clauses (i) and (j) shall be inserted, namely:—

“(i) to engage in areas of specialization with proven ability to make distinctive contributions to the objectives of the University education system that is academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degrees in arts, science, engineering, medicine, dental, pharmacy, management, etc. routinely offered by conventional institutions; and

(j) to establish broad-based and viable under graduate, post graduate and research programmes in several disciplines with firm interdisciplinary orientation and linkages.”.

**4. Amendment of section 10.**—In section 10 of the principal Act, after second proviso, the following third proviso shall be inserted, namely:—

“Provided further that no portion of income and property of the University shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever, by way of profit to the persons who were at any time or are members of the University or to any of them or any person claiming through them; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person as consideration for any service rendered to the University or for travelling or other allowances and such other charges.”.

**5. Amendment of section 18.**—In section 18 of the principal Act, in clause(c), for the word “five”, the word “three” shall be substituted.

**6. Amendment of section 19.**—In section 19 of the principal Act,—

(a) in sub-section (1), for clauses (b) to (d), the following clauses shall be substituted, namely:—

“(b) Deans of Faculties not exceeding two (by rotation based on seniority);

(c) two persons, nominated by the sponsoring body from amongst eminent educationists or from management field;

(d) two eminent academicians to be nominated by the Government in consultation with the Regulatory Commission;”;

(b) after clause (d) as so substituted, the following new clauses (e) and (f) shall be inserted, namely:—

“(e) two persons from amongst the teachers (from Professors, Associate Professors), by rotation based on seniority; and

(f) the Registrar shall be the Member Secretary.”; and

(c) after sub-section (5), the following new sub-section (6) shall be inserted, namely:—

“(6) The Board of Management of the University shall be independent of the Sponsoring Body with full autonomy to perform its academic and administrative functions.”.

**7. Amendment of section 31.**—In section 31 of the principal Act, in sub-section (5), for the words “State Government”, the words “Regulatory Commission” shall be substituted.

**8. Amendment of section 32.**—In section 32 of the principal Act, in sub-section (1), after the words “for its approval”, the words and figures “before 31<sup>st</sup> December of every preceding academic year alongwith the approval of courses granted by the Regulatory Commission” shall be inserted and the first proviso appearing below sub-section (1) shall be omitted.

**9. Amendment of section 33.**—In section 33 of the principal Act, in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**10. Amendment of section 34.**—In section 34 of the principal Act, in sub-section (1), in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**11. Substitution of section 36.**—For section 36 of the principal Act, the following section shall be substituted, namely:—

**“36. Accreditation of the University.**—The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, as per the guidelines issued by the National Assessment and Accreditation Council from time to time and inform the Government and such other regulating bodies which are connected with the courses taken up by the University about the grade provided by NAAC to the University and the University shall get renewed such accreditation after such period as may be prescribed.”.

**12. Amendment of section 38.**—In section 38 of the principal Act, in sub-section (2), after the words “presented to”, the words “the Regulatory Commission and” shall be inserted.

**13. Amendment of section 39.**—In section 39 of the principal Act,—

(a) in sub-section (4), after the words “presented to the”, the words “Regulatory Commission and the” shall be inserted.; and

(b) in sub-section (5), for the word “Government” wherever it occur, the words “Regulatory Commission and the Government” shall be substituted.

**14. Amendment of section 40.—**In section 40 of the principal Act,—

- (a) in sub-section (1), after the words “the Government”, the words “or the Regulatory Commission” shall be inserted; and
- (b) in sub-sections (2) and (3), after the words “the Government”, the words and signs “or the Regulatory Commission, as the case may be,” shall be inserted.

**विधि विभाग**

अधिसूचना

शिमला—2, 4 मई, 2012

**संख्या:एल0एल0आर0—डी0(6)—12/2012—लेज.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3—5—2012 को अनुमोदित अरनी विश्वविद्यालय (स्थापना और विनियमन) संशोधन विधेयक, 2012 (2012 का विधेयक संख्यांक 14) को वर्ष 2012 के अधिनियम संख्यांक 17 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई—राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
(अवतार चन्द डोगरा),  
प्रधान सचिव (विधि)।

**2012 का अधिनियम संख्यांक 17****अरनी विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012**

(राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को यथाअनुमोदित)

अरनी विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2009 (2009 का अधिनियम संख्यांक 23) का और संशोधन करने के लिए **अधिनियम**।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

**1. संक्षिप्त नाम.**—इस अधिनियम का संक्षिप्त नाम अरनी विश्वविद्यालय (स्थापना और विनियमन) संशोधन अधिनियम, 2012 है।

**2. धारा 2 का संशोधन.**—अरनी विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2009 (2009 का 23) (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 2 में,—

- (क) खण्ड (३) में “वैज्ञानिक और औद्योगिक अनुसंधान परिषद्” शब्दों के पश्चात् “हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे ; और

(ख) खण्ड “(फ)” के पश्चात् निम्नलिखित नया खण्ड “(ब)” अन्तःस्थापित किया जाएगा, अर्थात् :—

“(ब) “विनियामक आयोग” से हिमाचल प्रदेश प्राइवेट शिक्षा संस्था (विनियामक आयोग) अधिनियम, 2010 (2011 का 15) की धारा 3 के अधीन स्थापित हिमाचल प्रदेश प्राइवेट शिक्षा संस्था विनियामक आयोग अभिप्रेत है।”।

**3. धारा 3 का संशोधन.**—मूल अधिनियम की धारा 3 के खण्ड (ज) के पश्चात् निम्नलिखित नए खण्ड (झ) और (ज) अन्तःस्थापित किए जाएंगे, अर्थात् :—

“(झ) विश्वविद्यालय शिक्षा पद्धति के उद्देश्यों में सुभिन्न योगदान अर्थात् परम्परागत संस्थाओं द्वारा नेमीतः प्रस्थापित सामान्य प्रकृति के कार्यक्रमों, जो कला, विज्ञान, इंजीनियरिंग, औषधि, दंत चिकित्सा, भेषजी, प्रबन्धन इत्यादि में परम्परागत उपाधियों का मार्ग प्रशस्त करते हैं, से स्पष्टतया भिन्न शैक्षणिक विनियोजन करने के लिए सिद्ध योग्यता सहित, विशेषज्ञता के क्षेत्रों में लगे रहना; और

(ज) सुदृढ़ अंतर-विषयक अभिविन्यास और संयोजन सहित, विभिन्न विषयों में विस्तृत आधारमुक्त और व्यवहार्य स्नातकपूर्व, स्नातकोत्तर और अनुसंधान कार्यक्रम स्थापित करना।”।

**4. धारा 10 का संशोधन.**—मूल अधिनियम की धारा 10 के द्वितीय परन्तुक के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किया जाएगा, अर्थात् :—

“परन्तु यह और कि विश्वविद्यालय की आय और सम्पत्ति का कोई भी भाग, प्रत्यक्षतः या परोक्षतः लाभांश, बोनस या अन्यथा, किसी भी तरह, लाभ के रूप में उन व्यक्तियों को, जो किसी समय विश्वविद्यालय के सदस्य थे या हैं या उनमें से किसी को या उनके माध्यम से दावा करने वाले किसी व्यक्ति को, संदर्भ या अन्तरित नहीं किया जाएगा, परन्तु यहां इसमें अन्तर्विष्ट कोई बात विश्वविद्यालय को प्रदान की गई किसी सेवा के प्रतिफलस्वरूप पारिश्रमिक या उसके किसी सदस्य या अन्य व्यक्ति को अथवा यात्रा या अन्य भृतों तथा ऐसे अन्य प्रभारों के लिए सद्भावपूर्वक संदाय से निवारित नहीं करेगी।”।

**5. धारा 18 का संशोधन.**—मूल अधिनियम की धारा 18 के खण्ड (ग) में “पांच” शब्द के स्थान पर “तीन” शब्द रखा जाएगा।

**6. धारा 19 का संशोधन.**—मूल अधिनियम की धारा 19 में,—

(क) उपधारा (1) के खण्ड (ख) से (घ) के स्थान पर निम्नलिखित खण्ड रखे जाएंगे, अर्थात् :—

“(ख) दो से अनधिक संकायाध्यक्ष (वरिष्ठता पर आधारित चक्रानुक्रम द्वारा);

(ग) विख्यात शिक्षाविदों में से या प्रबन्धन क्षेत्र से प्रायोजक निकाय द्वारा नामनिर्दिष्ट दो व्यक्ति;

(घ) विनियामक आयोग के परामर्श से सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विख्यात शिक्षाविद;”;

(ख) इस प्रकार प्रतिस्थापित खण्ड (घ) के पश्चात् निम्नलिखित नए खण्ड (ड) और (च) अन्तःस्थापित किए जाएंगे, अर्थात् :—

“(ड) वरिष्ठता पर आधारित चक्रानुक्रम द्वारा शिक्षकों (आचार्यों, सह आचार्यों) में से दो व्यक्ति; और

(च) रजिस्ट्रार सदस्य—सचिव होगा।”; और

(ग) उपधारा (5) के पश्चात् निम्नलिखित नई उपधारा (6) अन्तःस्थापित की जाएगी, अर्थात् :—

“(6) विश्वविद्यालय का प्रबंध बोर्ड अपने शैक्षणिक और प्रशासनिक कृत्यों का पालन करने हेतु प्रायोजक निकाय से पूर्ण स्वायत्तता सहित स्वतन्त्र होगा ।” ।

**7. धारा 31 का संशोधन.**—मूल अधिनियम की धारा 31 की उपधारा (5) में, “राज्य सरकार” शब्दों के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**8. धारा 32 का संशोधन.**—मूल अधिनियम की धारा 32 की उपधारा (1) में, “और इसे” शब्दों के पश्चात् आए शब्दों “सरकार को अनुमोदन के लिए भेजेगा और सरकार प्रस्ताव प्राप्ति के एक मास के भीतर अनुमोदन प्रदान करेगी” के स्थान पर “विनियामक आयोग द्वारा प्रदान पाठ्यक्रमों के अनुमोदन सहित, प्रत्येक पूर्ववर्ती शैक्षणिक वर्ष के 31 दिसम्बर से पूर्व सरकार को इसके अनुमोदन के लिए भेजेगा तथा सरकार प्रस्ताव की प्राप्ति के तीन मास के भीतर अनुमोदन सूचित करेगी” शब्द और अंक अन्तःस्थापित किए जाएंगे और उपधारा (1) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा ।

**9. धारा 33 का संशोधन.**—मूल अधिनियम की धारा 33 के परन्तुक में, “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**10. धारा 34 का संशोधन.**—मूल अधिनियम की धारा 34 की उपधारा (1) के परन्तुक में “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग” शब्द रखे जाएंगे ।

**11. धारा 36 का प्रतिस्थापन.**—मूल अधिनियम की धारा 36 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात्:—

“36. विश्वविद्यालय का प्रत्यायन.— विश्वविद्यालय, समय—समय पर राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा जारी मार्गदर्शक सिद्धान्तों के अनुसार राष्ट्रीय निर्धारण और प्रत्यायन परिषद् (एन.ए.ए.सी.), बंगलौर से प्रत्यायन अभिप्राप्त करेगा और सरकार तथा ऐसे अन्य विनियमन निकायों को, जो विश्वविद्यालय द्वारा चलाए गए पाठ्यक्रमों से संबद्ध हैं, राष्ट्रीय निर्धारण और प्रत्यायन परिषद् द्वारा विश्वविद्यालय को दिए गए ग्रेड के बारे में सूचित करेगा तथा विश्वविद्यालय ऐसे प्रत्यायन को, ऐसी अवधि के पश्चात्, जैसी विहित की जाए, नवीकृत करवाएगा ।” ।

**12. धारा 38 का संशोधन.**—मूल अधिनियम की धारा 38 की उपधारा (2) में “वार्षिक रिपोर्ट की प्रतियां” शब्दों के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द रखे जाएंगे ।

**13. धारा 39 का संशोधन.**—मूल अधिनियम की धारा 39 में,—

(क) उपधारा (4) में, “तुलन—पत्र की प्रतियां,” शब्दों और चिन्ह के पश्चात् तथा “सरकार” शब्द से पूर्व “विनियामक आयोग और” शब्द अन्तःस्थापित किए जाएंगे ; और

(ख) उपधारा (5) में, “सरकार” शब्द जहां—जहां यह आता है, के स्थान पर “विनियामक आयोग और सरकार” शब्द रखे जाएंगे ।

**14. धारा 40 का संशोधन.**—मूल अधिनियम की धारा 40 में,—

(क) उपधारा (1) में, “सरकार” शब्द के पश्चात् “या विनियामक आयोग” शब्द अन्तःस्थापित किए जाएंगे; और

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(ख) उपधारा (2) में, “सरकार,” शब्द और चिन्ह के स्थान पर “यथास्थिति, सरकार या विनियामक आयोग” शब्द और चिन्ह रखे जाएंगे और उपधारा (3) में “तो” शब्द के पश्चात् “यथास्थिति, विनियामक आयोग या” चिन्ह और शब्द अन्तःस्थापित किए जाएंगे।

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*AUTHORITATIVE ENGLISH TEXT*

**Act No. 17 of 2012**

**THE ARNI UNIVERSITY (ESTABLISHMENT AND REGULATION) AMENDMENT ACT, 2012**

(AS ASSENTED TO BY THE GOVERNOR ON 3RD MAY, 2012)

AN

ACT

*further to amend the Arni University (Establishment and Regulation) Act, 2009 (Act No. 23 of 2009).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Arni University (Establishment and Regulation) Amendment Act, 2012.

**2. Amendment of section 2.**—In section 2 of the Arni University (Establishment and Regulation) Act, 2009 (hereinafter referred to as the “principal Act”),—

(a) in clause (n) after the words “Scientific and Industrial Research”, the words and sign “, the Himachal Pradesh Private Educational Institutions Regulatory Commission” shall be inserted.; and

(b) after clause (v), the following new clause (w) shall be inserted, namely:—

“(w) “Regulatory Commission” means the Himachal Pradesh Private Educational Institutions Regulatory Commission, established under section 3 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No. 15 of 2011).”.

**3. Amendment of section 3.**—In section 3 of the principal Act, after clause (h), the following new clauses (i) and (j) shall be inserted, namely:—

“(i) to engage in areas of specialization with proven ability to make distinctive contributions to the objectives of the University education system that is academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degrees in arts, science, engineering, medicine, dental, pharmacy, management, etc. routinely offered by conventional institutions; and

(j) to establish broad-based and viable under graduate, post graduate and research programmes in several disciplines with firm interdisciplinary orientation and linkages.”.

**4. Amendment of section 10.**—In section 10 of the principal Act, after second proviso, the following third proviso shall be inserted, namely:—

“Provided further that no portion of income and property of the University shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever, by way of profit to the persons who were at any time or are members of the University or to any of them or any person claiming through them; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person as consideration for any service rendered to the University or for travelling or other allowances and such other charges.”.

**5. Amendment of section 18.**—In section 18 of the principal Act, in clause(c), for the word “five”, the word “three” shall be substituted.

**6. Amendment of section 19.**—In section 19 of the principal Act,—

(a) in sub-section (1), for clauses (b) to (d), the following clauses shall be substituted, namely:—

“(b) Deans of Faculties not exceeding two (by rotation based on seniority);

(c) two persons, nominated by the sponsoring body from amongst eminent educationists or from management field;

(d) two eminent academicians to be nominated by the Government in consultation with the Regulatory Commission;”;

(b) after clause (d) as so substituted, the following new clauses (e) and (f) shall be inserted, namely:—

“(e) two persons from amongst the teachers (from Professors, Associate Professors), by rotation based on seniority; and

(f) the Registrar shall be the Member Secretary.”; and

(c) after sub-section (5), the following new sub-section (6) shall be inserted, namely:—

“(6) The Board of Management of the University shall be independent of the Sponsoring Body with full autonomy to perform its academic and administrative functions.”.

**7. Amendment of section 31.**—In section 31 of the principal Act, in sub-section (5), for the words “State Government”, the words “Regulatory Commission” shall be substituted.

**8. Amendment of section 32.**—In section 32 of the principal Act, in sub-section (1), after the words “for its approval”, the words and figures “before 31<sup>st</sup> December of every preceding academic year alongwith the approval of courses granted by the Regulatory Commission” shall be inserted and the first proviso appearing below sub-section (1) shall be omitted.

**9. Amendment of section 33.**—In section 33 of the principal Act, in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**10. Amendment of section 34.**—In section 34 of the principal Act, in sub-section (1), in the proviso, for the word “Government” wherever it occur, the words “Regulatory Commission” shall be substituted.

**11. Substitution of section 36.**—For section 36 of the principal Act, the following section shall be substituted, namely:—

“36. Accreditation of the University.— The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC), Bangalore, as per the guidelines issued by the National Assessment and Accreditation Council from time to time and inform the Government and such other regulating bodies which are connected with the courses taken up by the University about the grade provided by NAAC to the University and the University shall get renewed such accreditation after such period as may be prescribed.”.

**12. Amendment of section 38.**—In section 38 of the principal Act, in sub-section (2), after the words “presented to”, the words “the Regulatory Commission and” shall be inserted.

**13. Amendment of section 39.**—In section 39 of the principal Act,—

- (a) in sub-section (4), after the words “presented to the”, the words “Regulatory Commission and the “shall be inserted; and
- (b) In sub-section (5), for the word “Government” wherever it occur, the works”Regulatory Commission and the Governmnet” shall be substituted.

**14. Amendment of section 40.**—In section 40 of the principal Act,—

- (a) in sub-section (1), after the words “the Government, the words “or the Regulatory Commission” shall be inserted; and
- (b) in sub-sections (2) and (3), after the words “the Government”, the words and signs “or the Regulatory Commission, as the case may be,” shall be inserted.

### विधि विभाग

अधिसूचना

शिमला—2, 4 मई, 2012

संख्या: एल0एल0आर0-डी0(6)-3 / 2012—लेज.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3-5-2012 को अनुमोदित हिमाचल प्रदेश में यात्रियों तथा सामान पर कर लगाने का (संशोधन) विधेयक, 2012 (2012 का विधेयक संख्यांक 4) को वर्ष 2012 के अधिनियम संख्यांक 13 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
अवतार चन्द डोगरा,  
प्रधान सचिव (विधि)।

**हिमाचल प्रदेश में यात्रियों तथा सामान पर कर लगाने का (संशोधन)**  
**अधिनियम, 2012**

(माननीय राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को यथाअनुमोदित)

हिमाचल प्रदेश में यात्रियों तथा सामान पर कर लगाने का अधिनियम, 1955 (1955 का अधिनियम संख्यांक 15) का और संशोधन करने के लिए **अधिनियम**।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

**1. संक्षिप्त नाम।**—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश में यात्रियों तथा सामान पर कर लगाने का (संशोधन) अधिनियम, 2012 है।

**2. धारा 4-क का संशोधन।**—हिमाचल प्रदेश में यात्रियों तथा सामान पर कर लगाने का अधिनियम, 1955 की धारा 4-क की उपधारा (1) में, “राज्य सरकार द्वारा, अधिसूचना द्वारा” शब्दों और चिन्ह के स्थान पर “आबकारी एवं कराधान आयुक्त” शब्द रखे जाएंगे।

*AUTHORITATIVE ENGLISH TEXT*

**Act No. 13 of 2012**

**THE HIMACHAL PRADESH PASSENGERS AND GOODS TAXATION  
(AMENDMENT) ACT, 2012**

(As ASSENTED TO BY THE GOVERNOR ON 3RD MAY, 2012)

AN

ACT

*further to amend the Himachal Pradesh Passengers and Goods Taxation Act, 1955 (Act No. 15 of 1955).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Himachal Pradesh Passengers and Goods Taxation (Amendment) Act, 2012.

**2. Amendment of section 4-A.**—In section 4-A of the Himachal Pradesh Passengers and Goods Taxation Act, 1955, in sub-section (1), for the words and sign “State Government, by notification”, the words “Excise and Taxation Commissioner” shall be substituted.

## विधि विभाग

अधिसूचना

शिमला—2, 4 मई, 2012

**संख्या: एल0एल0आर0—डी0(6)—2/2012—लेज.**—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 3—5—2012 को अनुमोदित हिमाचल प्रदेश में (सङ्केत द्वारा कतिपय माल के वहन पर) कराधान संशोधन विधेयक, 2012 (2012 का विधेयक संख्यांक 5) को वर्ष 2012 के अधिनियम संख्यांक 14 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई—राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,  
अवतार चन्द डोगरा,  
प्रधान सचिव (विधि)।

## 2012 का अधिनियम संख्यांक 14

**हिमाचल प्रदेश (सङ्केत द्वारा कतिपय माल के वहन पर) कराधान संशोधन अधिनियम, 2012**

(माननीय राज्यपाल महोदया द्वारा तारीख 3 मई, 2012 को यथाअनुमोदित)

हिमाचल प्रदेश (सङ्केत द्वारा कतिपय माल के वहन पर) कराधान अधिनियम, 1999 (1999 का अधिनियम संख्यांक 16) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के तिरसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

**1. संक्षिप्त नाम.**—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश (सङ्केत द्वारा कतिपय माल के वहन पर) कराधान संशोधन अधिनियम, 2012 है।

**2. धारा 4—क का संशोधन.**—हिमाचल प्रदेश (सङ्केत द्वारा कतिपय माल के वहन पर) कराधान अधिनियम, 1999 की धारा 4—क की उपधारा (1) में, “सरकार द्वारा अधिसूचना द्वारा” शब्दों के स्थान पर “आबकारी एवं कराधान आयुक्त” शब्द रखे जाएंगे।

*AUTHORITATIVE ENGLISH TEXT***Act No. 14 of 2012****THE HIMACHAL PRADESH TAXATION (ON CERTAIN GOODS CARRIED BY ROAD) AMENDMENT ACT, 2012**

(As ASSENTED TO BY THE GOVERNOR ON 3RD MAY, 2012)

AN

## ACT

*further to amend the Himachal Pradesh Taxation (on Certain Goods Carried by Road) Act, 1999 (Act No. 16 of 1999).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Himachal Pradesh Taxation (on Certain Goods Carried by Road) Amendment Act, 2012.

**2. Amendment of section 4-A.**— In section 4-A of the Himachal Pradesh Taxation (on Certain Goods Carried by Road) Act, 1999, in sub-section (1), for the words and sign “State Government, by notification”, the words “*Excise and Taxation Commissioner*” shall be substituted.

## **TOWN AND COUNTRY PLANNING DEPARTMENT, HIMACHAL PRADESH**

### NOTICE OF PUBLICATION OF VISION DOCUMENT FOR MANALI AND ITS SUB-REGION

*Shimla, the 04-05-2012*

**No. HIM/TP/PJT-DP Manali/2008/Vol-II-1215-1385.**—In exercise of the powers conferred under sub-section (1) of Section-19 of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), the Vision Document for Manali and its Sub-Region is hereby published, to make it an integral part of the Development Plan for Manali Agglomeration of Kullu Valley Planning Area, notified vide Notification No. TCP-F(5)-8/2002 Shimla, dated 20.6.2005 and published in the Himachal Pradesh Rajpatra on 25.1.2006 and the Notice is hereby given that a copy of the said Vision Document for Manali and its Sub-Region is available for inspection in the following offices, during the office hours:-

1. The Director,  
Town and Country Planning Department,  
Block No. 32-A, Commercial Complex,  
Kasumpati, Shimla, Himachal Pradesh -171009.
2. The Executive Officer,  
Municipal Council, Manali,  
District Kullu, Himachal Pradesh.
3. The Town and Country Planner,  
Divisional Town Planning Office, Kullu,  
District Kullu, Himachal Pradesh.

This Vision Document for Manali and its Sub-Region specifies the Background, New Vision for Manali, Strategies and Recommendations, Restructuring Manali, Urban Design Guidelines and Mission Projects & further Action supported with Maps and Charts etc.

If there be any objection or suggestion with respect to the said Vision Document for Manali and its Sub-Region, it should be sent in writing to the Director, Town and Country Planning

Department, Block No. 32-A, Commercial Complex, Kasumpati, Shimla, Himachal Pradesh-171009, the Executive Officer, Municipal Council, Manali District Kullu, Himachal Pradesh and the Town and Country Planner, Divisional Town Planning Office, Kullu, District Kullu, Himachal Pradesh, before the expiry of thirty days from the date of publication of this Notice in the Himachal Pradesh Rajpatra.

**Place: Shimla**

**Date: 04/05/12**

Sd/-

**Director,**

*Town and Country Planning Department,  
Block No. 32-A, Commercial Complex,  
Kasumpati, Shimla, Himachal Pradesh.*

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## ADVOCATE GENERAL DEPARTMENT

### NOTIFICATION

*Shimla, the 16-04-2012*

**No.1-18/94-II-10532.**—Sanction is hereby accorded to the grant of 13 days Earned Leave with effect from 16th to 28th April, 2012 in favour of Shri P.M.Negi, Deputy Advocate General of this department with permission to avail prefix/suffix Second Saturday and Sundays falling on 14th, 15th and 29th April, 2012.

Certified that Shri Shri P.M.Negi, Deputy Advocate General would have continued to officiate but for his proceeding on 13 days Earned Leave and this period of leave will count for earning annual increment.

Certified that said Shri P.M.Negi, Deputy Advocate General is likely on the expiry of leave to return for duty to the station from where he proceeds on leave.

Sd/-

*Advocate General,  
Himachal Pradesh.*

## ADVOCATE GENERAL DEPARTMENT

### NOTIFICATION

*Shimla, the 16-04-2012*

**No.1-13/2008-10536.**—Ex post facto sanction is hereby accorded to the grant of 14(28) days Medical Leave on commuted basis with effect from 28rd March 2012 to 10th April, 2012 in favour of Shri Anil Kumar Jaswal, Deputy Advocate General of this department.

Certified that Shri Anil Kumar Jaswal, Deputy Advocate General would have continued to officiate but for his proceeding on 14(28) days Medical Leave on commuted basis and this period of leave will count for continuation of his service.

Sd/-

*Advocate General,  
Himachal Pradesh.*

**CHANGE OF NAME**

I, Ashutosh s/o Shri Murli Ram Chaudhary, r/o Village Aima, Post Office & Tehsil Palampur, District Kangra (H.P.)-176061 have changed my name from Ashutosh to Ashutosh Chaudhary, all concerned may please note.

Ashutosh Chaudhary s/o Shri Murli Ram Chaudhary,  
Village Aima, Post Office & Tehsil Palampur,  
District Kangra (H.P.)-176061.

**NAME CHANGE**

I, Seema Verma w/o Shri Sushant Gaur, r/o Shri Ram Kunj, Dhingra Estate, Boileauganj, Shimla have changed my name to Seema Gaur. All concerned may please note and I shall be known by this name in future.

Seema Gaur w/o Shri Sushant Gaur,  
r/o Shri Ram Kunj, Dhingra Estate,  
Boileauganj, Shimla-5.

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA****NOTIFICATION**

*Shimla, the 4th May, 2012*

**No. HPERC-(H)(1)-1/2012.—WHEREAS** the Himachal Pradesh Electricity Regulatory Commission, in exercise of powers conferred on it by clauses (r) and (s) of sub-section (2) of section 181, read with sub-sections (5) to (7) of section 42 of the Electricity Act, 2003 (Act No. 36 of 2003) and all other powers enabling it in this behalf, had notified the Himachal Pradesh Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers) Regulations, 2003 and the Himachal Pradesh Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2004, in the Rajpatra, Himachal Pradesh (Extra ordinary) dated 24th October, 2003 and 19th April, 2004, respectively;

AND WHEREAS after the coming into force of the said regulations, there has been significant change in the Standards of Performance of the distribution licensee and in the consumer grievance redressal mechanism and the valuable recommendations in relation thereto have been made by the Forum of Regulators (FOR) in its Report on “Protection of Consumer Interest” which have endorsed and approved by the Hon’ble Appellate Tribunal for Electricity for implementation vide its Order dated 15.10.2010;

AND WHEREAS, with a view to simplify the process for registration and resolution of consumer complaints, the Himachal Pradesh Electricity Regulatory Commission recognizes the urgency and need to revise and modify the existing regulations framed by the Commission;

NOW THEREFORE, the Himachal Pradesh Electricity Regulatory Commission, in exercise of the powers conferred by Clauses (r) and (s) of subsection (2) of section 181, read with sub-sections (5) to (7) of section 42, of the Electricity Act, 2003 (36 of 2003) and all other powers

enabling it in this behalf and in supersession of the Himachal Pradesh Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2003 published in the Rajpatra, Himachal Pradesh (Extraordinary) dated 24th October, 2003 and the Himachal Pradesh Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2004 published in the Rajpatra, Himachal Pradesh (Extraordinary) dated 19th April, 2004, proposes to make the following Regulations providing guidelines to the distribution licensees in the State for establishing Forum(s) for redressal of grievances of consumers and for the appointment of Electricity Ombudsman by the Commission, for making representations against non-redressal of grievances of consumers and the time and manner of settlement of grievances by the Electricity Ombudsman and for matters incidental and ancillary thereto and further to provide that the consumers may, in their discretion, before approaching the Consumer Grievances Redressal Forum under these Regulations, have option to approach the Internal Executive Disputes Resolution Mechanism, if any, set up by the distribution licensee, the draft of which, as required by sub-section (3) of section 181 of the said Act, and rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, is hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft regulations will be taken into consideration after the expiry of thirty days from the date of their publication in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Regulatory Commission, Keonthal Commercial Complex, Khalini, Shimla-171002.

## **DRAFT REGULATIONS**

### **THE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION (CONSUMER GRIEVANCES REDRESSAL FORUM, OMBUDSMAN AND CONSUMER ADVOCACY) REGULATIONS, 2012**

#### **CHAPTER-I**

#### **SHORT TITLE, COMMENCEMENT, SCOPE, DEFINITIONS AND INTERPRETATION**

**1. Short title and commencement.**—(1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum, Ombudsman and Consumer Advocacy) Regulations, 2012.

(2) These shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.

**2. Scope and extent of applicability.**—(1) These Regulations shall be applicable to all the distribution licensees, in the State of Himachal Pradesh, in their respective areas of supply.

(2) Nothing contained in these Regulations shall, expressly or impliedly; restrict the rights and privileges of the consumers available to them under the Internal Executive Disputes Resolution Mechanism (IEDRM) within the distribution licensee and any consumer, who is not satisfied with the solution offered by the licensee under such Internal Executive Disputes Resolution Mechanism may file the representation under these Regulations.

**3. Definitions.**—(1) In these Regulations, unless the context otherwise requires, -

- (a) “Act” means the Electricity Act, 2003(36 of 2003);
- (b) “Annexure” means the annexure to these Regulations;
- (c) “Commission” means the Himachal Pradesh Electricity Regulatory Commission;
- (d) “complainant” means and includes -

  - (i) any consumer or consumers including their legal heirs or successors, having a grievance/complaint against a licensee and lodging the same either directly or through their representatives, or
  - (ii) any voluntary consumer association or associations, registered under the law for the time being in force and making the complaints in the larger interest of the consumers, or
  - (iii) any consumer(s)/voluntary consumer association(s) where the licensee does not register or fails to register the grievance/complaint of such consumer(s)/voluntary consumer association(s), or
  - (iv) any person whose electricity connection is disconnected, or
  - (v) an applicant for a new connection for the supply of electricity;

- (e) “grievance” means, and includes any complaint, relating to any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to the Standards of Performance of the licensees, as specified by the Commission, and includes billing disputes of any nature and matters related to safety of the distribution system having potential of endangering life or property;
- (f) “Forum” means the Forum for Redressal of Grievances of Consumers required to be established, by the distribution licensee, pursuant to sub-section (5) of section 42 of the Act and these Regulations;
- (g) “licensee” means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply and includes a deemed licensee;
- (h) “Member” means the Member of the Forum and includes the Chairperson of the Forum;
- (i) “Ombudsman” means an authority appointed or designated by the Commission, under sub-section (6) of section 42 of the Act, and these Regulations, with whom a representation may be made by any person, who is dissatisfied by the redressal or is aggrieved by the non-redressal of his grievances by the Forum;
- (j) “representation” means the representation made to the Ombudsman by a complainant, who is aggrieved by the order of the Forum (including the partial or

full dismissal order), or non-redressal of his grievances by the Forum within the specified time or dissatisfaction with the order issued by the Forum or non-implementation of the Forum's order by the licensee within the specified time;

(k) "time lines" means the time specified in Annexure-I or any other provisions of these Regulations for processing any complaint or representation made under these Regulations.

(2) The other words and expressions used and not defined in these Regulations, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

**4. Interpretation.**—These Regulations shall be construed harmoniously with the Electricity Supply Code specified by the Commission under the provisions of clause (x), and the Standards of Performance of the distribution licensee and under clause (za,) of sub-section (2) of section 181 of the Act and in case of any inconsistency with these Regulations, the Standards of Performance of the distribution licensee and the Electricity Supply Code shall prevail.

## CHAPTER-II

### CONSUMER GRIEVANCES REDRESSAL FORUM (CGRF)

**5. Establishment of Forum.**—(1) Every distribution licensee shall, within six months, from the grant of licence, establish, in its area of supply, under sub-section (5) of section 42 of the Act, a Forum for redressal of grievances of the consumers, in accordance with these Regulations:

Provided that the distribution licensee may, by an order, after considering factors such as the number of representations received, disposal of representation within the specified time limit, ease of access for the consumer and the geographical area, establish more than one Forum in its area of supply and in that event each such Forum shall have the jurisdiction as the distribution licensee, out of its total area of supply, define the territorial jurisdiction of each Forum in such order.

(2) In order to ensure that all grievances are disposed of within the specified time limit the Commission may, from time to time, direct the licensee to increase the number of Forums.

**6. Headquarters of Forum.**—The head office of the Forum shall be preferably at the headquarters of the distribution licensee. The Forum may, with the overall objective of ensuring that the complaints/grievances are heard and redressal within the time limit specified under these Regulations, conduct its sittings preferably at the Revenue Divisional headquarters or at such other places, within its area of jurisdiction, as may be considered necessary and proper by it.

**7. Appointments of Members.**—(1) The Forum shall consist of three Members, including Chairperson, and out of them—

(i) two Members shall be appointed by the distribution licensee out of its officers and out of these two -

(a) one Member possessing degree in electrical engineering and having at least 20 years experience in generation, transmission, distribution or trading of electricity and who is not below the rank of a Chief Engineer or its equivalent, in an organisation engaged in the business of generation, transmission, distribution and trading of electricity; and

(b) one Member possessing degree in engineering, finance, commerce, economics, law or management and who is not below the rank of a Superintending Engineer, or its equivalent, with working experience of at least 20 years in an organisation engaged in generation, transmission, distribution or trading in electricity;

(ii) one Independent Member shall be nominated by the Commission, out of the persons who are representatives of the registered voluntary consumer protection organisations or NGOs or consumer activists with experience of at least five years in dealing with the matters concerning “consumer grievances” or “regulatory affairs” and such a Member shall be selected through proper advertisement in the press and website of the Commission:

Provided that a person to be nominated as Independent Member of the Forum shall not have been in the employment in any capacity under, or agency of, the licensee; for a minimum period of two years prior to his being nominated as the Independent Member of the Forum.

(2) No person shall be appointed and/or be entitled to continue as a Member if he stands disqualified on account of his-

- (i) having been adjudged as an insolvent;
- (ii) having been convicted of an offence which, in the opinion of the licensee, involves moral turpitude;
- (iii) having become physically or mentally incapable of acting as such a Member;
- (iv) having acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;
- (v) having so abused his position as to render his continuance in office prejudicial to public interest; or
- (vi) having been guilty of proven misbehaviour.

(3) The licensee shall immediately after the appointment of the Members (other than the Independent Member) but not later than seven days after the appointment, provide details to the Commission regarding qualifications and experience of the Chairperson or other Member, as the case may be.

**8. Removal of Member.**-(1) An existing Member shall be liable to be removed from his office forthwith on account of any of the disqualifications mentioned in subregulation (2) of regulation 7.

(2) No Member shall be removed from his office on any ground specified in subregulation (2) of regulation 7, unless the licensee has held an independent inquiry in accordance with such procedure as be directed by the Commission:

Provided further that the Independent Member, nominated by the Commission under clause (ii) of sub-regulation (1) of regulation 7, shall be removed from his office only after the prior approval of the Commission.

**9. Presiding Officer of the Forum.**—(1) The Member of the Forum appointed, by the licensee, under sub-clause(a) of clause (i) of sub-regulation (1) of regulation 7, shall be the Chairperson of the Forum.

(2) The Chairperson shall have the general powers of superintendence and control over the Forum.

(3) In case the Chairperson of the Forum is unable to discharge the functions owing to his absence, illness or any other cause, the Member appointed under sub-clause(b) of clause(i) of sub-regulation (1) of regulation 7, shall discharge the functions of the Chairperson, until the day or when the Chairperson assumes his office.

**10. Tenure of Members.**—Every Member of the Forum shall hold office for a period minimum of one year, but not exceeding three years:

Provided that no Member of the Forum shall hold office as such,-

- (a) where he is appointed under clause (i) of sub-regulation (1) of regulation 7, after he ceases to be the officer of the licensee; and
- (b) where he is nominated by the Commission under sub-clause(ii) of sub-regulation (1) of regulation 7, after he attains the age of sixty-five years.

**11. Voting and consensus.**—Two Members shall form the quorum for the Forum's meeting and each Member shall have one vote. In case of equality of votes on any issue, the Chairperson or in his absence the person presiding shall have the casting vote.

**12. Vacancies.**—(1) The licensee shall ensure that the post of a Member is not kept vacant for the period of more than 30 days:

Provided that in case the licensee is unable to fill the vacant post within a period of 30 days, the Commission may, at the request of the licensee, grant such additional time, as it deems fit, to the licensee for the purpose of filling up of such vacancy.

(2) No act or proceedings of the Forum shall be deemed to be invalid by reason of some defect in the constitution of the Forum or by reason of the existence of a vacancy amongst its Members.

**13. Remuneration and other expenses.**—(1) The salary or honorarium, TA/DA and other allowances payable to, and terms and conditions of service of -

- (a) the Members appointed by the licensee under clause (i) of subregulation (1) of regulation 7; shall be governed by the terms and conditions of their employment with such a licensee and shall continue to draw the same salary as they are entitled to as regular employees of the licensee; and
- (b) the Independent Member nominated by the Commission under clause(ii) of sub-regulation (1) of regulation 7; shall be such as may be determined by the Commission.

(2) The salary, allowances and other terms and conditions of service of the Member shall not be varied to his disadvantage after his appointment.

**14. Secretariat.**—(1) The office, staff and other facilities required by the Members of the Forum, for efficient functioning of the Forum shall be provided by the licensee.

(2) Out of such staff, one person not below the rank of Grade-II Officer shall be designated as full time Secretary of the Forum.

(3) The expenses of the Forum, including all salaries, honorarium and allowances payable to the Members and its staff, shall be allowed as pass through expense in the Annual Revenue Requirements of the licensee.

## CHAPTER-III

### RIGHT TO APPROACH THE FORUM

**15. Right to approach the Forum.**—(1) The Complainant shall, in respect of matters falling under the jurisdiction of the Forum, have the right to approach the Forum directly, without exhausting any other remedy available to him through any Complaint Resolution Mechanism other than the Forum established under these Regulations; existing within the licensee.

(2) The Complainant can also approach the Forum in the following events :-

- (i) if the licensee fails to register a grievance/complaint; or
- (ii) if the licensee fails to resolve a grievance/complaint in accordance with the Standards of Performance specified by the Commission; or
- (iii) if the consumer/complainant is not satisfied with the redressal of his grievance/complaint by the licensee.

## CHAPTER-IV

### PROCESS FOR SUBMISSION AND REDRESSAL OF GRIEVANCES

**16. Submission of grievances.**—(1) The Complainant can submit his grievance either in person or through post, e-mail or fax as per the format specified in ANNEXURE – II:

Provided that the Forum shall take cognizance of any grievance submitted based on the merit of the case and will not reject any grievance for the sole reason of its not having been submitted in the specified format.

(2) The Complainant can also submit his grievance at the nearest Complaint-Receiving Centre, set up by the licensee.

(3) All Complaint-Receiving Centres shall accept the grievances from complainants falling within the jurisdiction of the Forum and the grievances so received, along with other supporting documents, shall be forwarded to the relevant Forum within the next working day.

(4) The Complainant shall be issued acknowledgement of the receipt of grievance by the Complaint Receiving Centre:

Provided that in case of receipt of grievance-

- (a) in person, the acknowledgement shall be issued immediately;
- (b) by post, e-mail or fax, the acknowledgement shall be despatched latest by the next working day:

Provided further that in case of receipt of grievance in the Complaint Receiving Centre, the details of the appropriate Forum shall be supplied alongwith the acknowledgement by the next working day.

(5) The licensee shall designate one of its officer as a nodal officer at the headquarters to monitor and ensure that all Complaints Receiving Centres forward the complaints received by them as per time lines specified under these Regulations.

(6) On receipt of complaint made under sub-regulation(1) of this regulation, the Forum may, by order under intimation to the Complainant, allow the complaint to be proceeded with or rejected:

Provided that no grievance shall be rejected, unless the Complainant has been given an opportunity of being heard.

(7) Where a complaint is allowed to be proceeded with under sub-regulation(6), the Forum may proceed with the complaint in the manner provided under these Regulations.

**17. Prioritization of complaints.**—As far as is possible and practical, the grievances shall be prioritized for redressal based on the following priority order :-

- (1) non-supply
- (2) connection/disconnection of supply
- (3) meter-related issues
- (4) billing-related issues
- (5) other issues:

Provided that it should be ensured that all grievances are disposed of within the time lines specified under these Regulations.

**18. Limitations/pre-conditions for submission of grievance.**—The Forum may reject the grievance at any stage under any or more of the following circumstances :-

- (a) in cases where proceedings in respect of the same matter and between the same Complainant and the licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;
- (b) in cases which fall under sections 126, 127, 135 to 139, 152, and 161 of the Act;
- (c) in cases where the grievance has been submitted two years after the date on which the cause of action has arisen; and
- (d) in the case of grievances which are -
  - (i) frivolous, vexatious, malafide;

- (ii) without any sufficient cause; or
- (iii) where there is no *prima facie* loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.

**19. Process.**—(1) The Forum shall forward a copy of the grievance to the concerned officer of the licensee or the employee / employees / department named in the grievance.

(2) The concerned officer of the licensee shall furnish para-wise comments to the Forum on the grievance within the time lines specified in Annexure-I, failing which the Forum shall proceed on the basis of the material available on record.

(3) The Forum may call for any record from the licensee or from the Complainant as is relevant for examination and disposal of the grievance, and both the parties shall be under obligation to provide such information, document or record as the Forum may call for and where a party fails to furnish such information, document or record and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference in relation thereto.

**20. Third Party Inspection.**—(1) The Forum may direct the licensee to undertake an inspection or engage a third party to undertake such inspection with regard to the grievance, as may be required for expeditious redressal of the grievance or it may in special circumstances of a case and recording reasons therefor and at the instance and request of the Complainant, engage a third party (other than the licensee) to undertake inspection and obtain an independent report.

(2) The expenses of such third-party inspection, except expenses of inspection at the request of the Complainant, shall be borne by the licensee, and to the extent reasonable and justifiable, such expenses shall be allowed as pass through expense in the determination of tariff in accordance with the relevant Regulations of the Commission:

Provided that if inspection is taken up at the request of the Complainant, the expenses shall be deposited in advance by him, which may or may not be refunded by the Forum depending on whether the grievance is found to be of substance or not.

(3) The Forum may in appropriate cases call the concerned officer of the licensee for discussion in order to seek redressal of the grievance filed before it and if the matter is settled in discussion, it may be recorded as a decision and conveyed to the Complainant and the licensee by order of the Forum.

(4) Where the Forum comes to the conclusion that the Complainant and the concerned officer of the licensee are required to be heard for redressal of the grievance, the Forum shall call the Complainant and the concerned officer with the details of the case and documents, if any, as may be necessary.

(5) Where the Complainant or the licensee or his representative fails to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the grievance ex-parte.

(6) No adjournment shall ordinarily be granted by the Forum, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.

(7) The Forum may make an order as to the cost, occasioned by the adjournment, to be paid by the defaulting party to the non defaulting party and/or to the Forum.

**21. Appearance through an Advocate.**—A Complainant, distribution licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorise any person, other than an Advocate (within the meaning of the Advocates Act, 1961), to present his case before the Forum and to do all or any of the acts for the purpose.

**22. Interim Order.**—Upon request of the complainant, the Forum may issue such interim orders pending final disposal of the grievance as it may consider necessary:

Provided that the Forum shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the Complainant satisfies the Forum that *prima facie*, the distribution licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made thereunder or any order of the Commission, provided that the Forum has jurisdiction on such matters:

Provided further that, except where it appears that the object of passing the interim order would be defeated by delay, no such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

**23. Issuance of Order.**—(1) On receipt of the comments from the licensee or otherwise and after conducting or having such inquiry made or local inspection conducted as the Forum may consider necessary, and after affording reasonable opportunity of being heard to the parties, the Forum shall take a decision.

(2) If, after the completion of the proceedings, the Forum is satisfied that the allegations contained in the grievance are correct, it shall -

(a) issue an order to the distribution licensee directing it to do one or more of the following things in a time-bound manner, namely:-

- (i) to remove the cause of grievance in question;
- (ii) to return to the complainant the undue charges paid by the complainant along with the interest at the rate paid by the State Bank of India for a fixed deposit of duration nearest to the period for which the undue charges were withheld by the licensee; or

(b) pass any other order, deemed appropriate in the facts and circumstances of the case.

(3) The order of the Forum shall be a reasoned order and signed by the Members conducting the proceedings.

(4) In case of grievances related to non-supply connection or disconnection of supply, the Forum shall pass the order within 20 days of filing of the grievance and in case of other grievances, the order shall be passed within 45 days of filing of the grievance:

Provided that in the event of a grievance being disposed of after the specified maximum period, the Forum should record, in writing, the reasons for the same at the time of disposing the said grievance and inform the Ombudsman.

(5) The order of the Forum shall be communicated to the Complainant and the licensee in writing within three days. A certified copy of every order passed by the Forum shall be delivered to the parties.

**24. Compliance of the order of Forum.**—(1) The licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months. Non-compliance of the order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under section 142 of the Act.

(2) The concerned officer of the licensee shall furnish a compliance report of the order of the Forum within seven days from the date of compliance, to the Forum and to the Complainant. The Forum shall keep a record of the compliance of its orders and review the same every month. In case of non-compliance of its orders, the Forum shall take up the matter with the higher authorities of the licensee for compliance. If even after that the order is not complied with, the Forum shall inform the Commission regarding such non-compliance.

**25. Representation against the Forum's order.**—(1) A Complainant may prefer a representation before the Ombudsman appointed/ designated by the Commission under the following circumstances:-

- (a) if the Complainant is aggrieved by the non-redressal of the grievance by the Forum within the period specified,
- (b) if the Complainant is not satisfied with the order passed by the Forum, and
- (c) if the Complainant is aggrieved by the non-implementation of the Forum's order, by the licensee

(2) Such a representation may be made within a period of 30 days after issuance of order by the Forum or expiry of 30 days after the time limit specified for issuance of the order or within 30 days after the time limit specified for the implementation of order, whichever is applicable.

(3) The Forum may settle any grievance in terms of an agreement reached between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such an order.

**26. Reporting Requirements.**—(1) The Forum shall, within 15 days of the close of the quarter to which it relates, submit a quarterly report on disposal of grievances to the licensee, Commission and Ombudsman.

(2) The quarterly report should be submitted in accordance with the format as specified in ANNEXURE III.

(3) The Forum shall, within 45 days of the close of the financial year to which it relates, also furnish a yearly report containing a general review of the activities of the Forum during the financial year to the licensee, Commission and Ombudsman.

## CHAPTER-V

### OMBUDSMAN

**27. Qualifications, terms of appointment and removal of Ombudsman.**—(1) In terms of sub-section (6) of section 42 of the Act, the Commission may, from time to time, appoint

or designate a person as the Ombudsman to discharge the functions in accordance with sub-section (7) of section 42 of the Act.

(2) The Commission may appoint or designate more than one Ombudsman for a licensee or a common Ombudsman or Ombudsmen for two or more licensees considering factors such as the number of representations received, disposal of representations within the specified time limit, ease of access for the consumers and the geographical area.

(3) The Commission shall invite applications through public advertisement for the appointment of the Ombudsman, and shall also form a Search Committee for recommending names for the appointment of the Ombudsman by the Commission.

(4) The Ombudsman shall be a person of experience, ability, integrity and standing who has adequate knowledge of and has shown capacity in dealing with problems relating to the electrical engineering, finance, commerce, economics, law and management and has held strategic positions in the said fields at the level not below that of the Chief Engineer in a Utility or equivalent position under the Government.

(5) No person shall be appointed or be entitled to continue as the Ombudsman, if he stands disqualified on account of his-

- (a) having been adjudged as an insolvent;
- (b) having convicted of an offence which, in the opinion of the Commission, involves moral turpitude;
- (c) having become physically or mentally incapable of acting as an Ombudsman;
- (d) having acquired such financial or other interest as is likely to affect prejudicially his functions as an Ombudsman;
- (e) having abused his position so as to render his continuance in office prejudicial to public interest; or
- (f) having been guilty of proven misbehaviour:

Provided that the Ombudsman shall not be removed from his office on any ground specified in this sub-regulation, unless the Commission has, on an inquiry, concluded that the person ought, on such ground or grounds, be removed.

(6) The Ombudsman shall, before entering upon his office, make and subscribe to, before the Chairperson of the Commission, an oath of office and secrecy in such manner and form as may be determined by the Commission.

(7) The salary and other allowances payable to and all other terms and conditions for the appointment of the Ombudsman shall be such as may be determined by the Commission.

(8) The Ombudsman shall hold office for a fixed term of three years. The tenure may be extended for a further period not exceeding two years Provided that the Ombudsman shall not hold office as such after he attains the age of 65 years.

(9) The Ombudsman may, by giving three month's written notice or paying three months consolidated emoluments in lieu of the notice period, resign from his office.

**28. Office of the Ombudsman.**—(1) The Ombudsman's office shall be preferably located in the capital city of the State or at any District headquarters in the State:

Provided that the Ombudsman may hold hearings or proceedings at various places, within the State, in order to expedite the disposal of representations received before him.

(2) The Ombudsman appointed under sub- regulation (1) shall devote his whole time to the affairs of his office.

(3) The Commission shall provide the Ombudsman with a Secretariat. The staff strength of the said Secretariat and terms and conditions of appointment of the staff shall be determined by the Commission from time to time.

(4) All expenses of the Ombudsman's office including that of the Secretariat shall be borne by the Commission which can recover such expenses from the licensees in proportion to their latest approved net Annual Revenue Requirements.

(5) The Commission shall present an estimated bill of expenses to each licensee and the licensee shall make the payment to the Commission within 15 days of the receipt of such a bill.

(6) The actual expense shall be adjusted while approving the Annual Revenue Requirements of the licensee and the licensee shall be allowed to recover such actual expense as pass through in the determination of tariffs.

(7) The name, location, email address and telephone numbers of the Ombudsmen shall be widely publicised through newspapers and displayed on the websites and the offices of the licensees and the Commission, and shall be intimated to the consumers through electricity bills. These may also be publicised through electronic media.

**29. Format for submission of representation.**—The Complainant may submit his representation to the Ombudsman as per the format specified in ANNEXURE -IV.

**30. Pre-conditions/limitations for entertaining Complainant's representation.**—(1) The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied that :-

- (a) it has been filed by the Complainant being the aggrieved consumer or the association representing the consumer/s;
- (b) the Complainant had, before making a representation to the Ombudsman, approached the Forum constituted under sub-section (5) of section 42 of the Act, for redressal of his grievance;
- (c) the representation by the Complainant, in respect of the same grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority or a decree or award or a final order has not been passed by any such court, tribunal, arbitrator or authority;
- (d) the representation is not in respect of the same cause of action which was settled or dealt with on merits by the Ombudsman in any previous proceedings whether or not received from the same Complainant or along with one or more complainants or one or more of the parties concerned with the cause of action;

- (e) the complainant is not satisfied with the redressal of his grievance by the Forum or the Forum has rejected the grievance or has not passed the order within the time-limit specified; or the licensee has not implemented the Forum's Order ;
- (f) the Complainant has filed the representation before the Ombudsman within 30 days from the date of receipt of the decision of the Forum or date of expiry of the period within which the Forum was required to take the decision or the date of expiry of the period within which the distribution licensee was required to implement Forum's order whichever is earlier:  

Provided that the Ombudsman may entertain a representation after the expiry of the said period of thirty days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period;
- (g) the Complainant has deposited with the Ombudsman, an amount equal to one-third of the amount assessed by the Forum, if any;
- (h) the Complainant who claims compensation from the distribution licensee has paid such fees as may be stipulated by the Commission from time to time.

(2) Subject to the provisions of the Act and this Regulation, the Ombudsman's decision as to whether the representation is fit and proper for being considered by it or not, shall be final.

(3) The Ombudsman may reject the representation at any stage if it appears to him that the representation is -

- (a) frivolous, vexatious, malafide;
- (b) without any sufficient cause;
- (c) there is no prima facie loss or damage or inconvenience caused to the Complainant :

Provided that the decision of the Ombudsman in this regard shall be final and binding on the complainant and the distribution licensee Provided further that no representation shall be rejected in respect of sub-clauses (a), (b) and (c) unless the Complainant has been given an opportunity of being heard.

**31. Promotion of settlement by conciliation.—**(1) As soon as it may be practicable to do so, but not later than one week from the date of receipt of the representation, the Ombudsman shall serve a notice to the concerned officer of the licensee named in the representation along with a copy of the representation and endeavour to promote a settlement of the representation by mutual agreement between the Complainant and the licensee through conciliation or mediation.

(2) For the purpose of facilitating settlement of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.

(3) When a representation is settled through mediation of the Ombudsman, the Ombudsman shall make a recommendation which he thinks fair in the circumstances of the case and shall send the copies of the recommendation to the Complainant and the licensee.

(4) If the Complainant and the licensee accept the recommendation of the Ombudsman, they will send a communication in writing, within 15 days of the date of receipt of the recommendation, stating clearly that the settlement communicated is acceptable to them, in totality,

in terms of the recommendations made by the Ombudsman, and are in full and final settlement of the representation.

(5) The Ombudsman shall make a record of such an agreement in his orders and thereafter close the case.

**32. Hearing of representations.**—(1) After registering the representation, the Ombudsman, within seven days of registration, shall call for records relating to the representation from the concerned Forum and the concerned Forum shall send the entire records, within seven days from the date of receipt of such notice, to the office of the Ombudsman.

(2) The Ombudsman may require the licensee or any of the officials, representatives or agents of the licensee to furnish documents, books, information, data and details as may be required to decide the representation and the licensee shall duly comply with such requirements of the Ombudsman.

(3) Where the representation is not settled by agreement within a period of 30 days from the date of receipt of the representation or such extended period as the Ombudsman may deem fit duly considering the overall time limit specified, the Ombudsman may determine the manner, the place, the date and the time of the hearing of the matter as the Ombudsman considers appropriate.

(4) The Ombudsman may hear the parties and may direct the parties to submit written statements of submissions in the matter.

(5) A Complainant, distribution licensee or any other person, who is a party to any proceedings before the Ombudsman, may either appear in person or authorise any person to present his case before the Ombudsman and to do all or any of the acts for the purpose.

(6) Where the Complainant or the licensee or their representative fails to appear before the Ombudsman on the date fixed for hearing on more than two occasions, the Ombudsman may reject or decide the representation ex parte.

(7) No adjournment shall ordinarily be granted by the Ombudsman unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Ombudsman.

(8) The Ombudsman may make such orders as to the cost, occasioned by the adjournment, to be paid by the defaulting party to the non defaulting party and/or to the Ombudsman.

**33. Ombudsman Power to issue Interim Order.**—(1) Upon request of the Complainant, the Ombudsman may issue such interim orders at any stage during the disposal of the representation as it may consider necessary:

Provided that the Ombudsman shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the Complainant satisfies the Ombudsman that prima facie the distribution licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made thereunder or any order of the Commission, provided that, the Ombudsman has jurisdiction on such matters:

Provided further that, except where it appears that the object of passing the interim order would be defeated by delay, no such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

(2) The Ombudsman shall be guided by the principles of natural justice, and subject to the other provisions of these regulations, the Ombudsman shall have powers to regulate its own procedure.

**34. Issuance of Order.**—(1) The Ombudsman shall pass a written order giving reasons for all his findings and stating the nature of the reliefs to which the Complainant is entitled as per the order.

(2) The Ombudsman shall pass an order as early as possible, but in any case, within 60 days from the date of receipt of the representation and where there is delay in the disposal of a representation within the said period, the Ombudsman shall record the reasons for such delay.

(3) The order passed by the Ombudsman shall set out -

- (a) issue-wise decisions;
- (b) reasons for passing the order;
- (c) directions, if any, to the distribution licensee or Complainant, and
- (d) any other order, deemed appropriate in the facts and circumstances of the case.

(4) A copy of the order shall be sent to the parties and also to the concerned Forum for information.

(5) The licensee shall duly comply with and implement the decision of the Ombudsman on the representation filed by the Complainant within 15 days of the issuance of the Order.

(6) Non-compliance of the Ombudsman's orders shall be deemed to be a violation of these Regulations and liable for appropriate action by the Commission under the provisions of the Act.

(7) No party can file an appeal before the Commission against the order passed by the Ombudsman. However, this is without prejudice to the rights of the Complainant and the licensee to seek appropriate remedy against the order passed by the Ombudsman before appropriate bodies.

**35. Reporting Requirements.**—(1) The Ombudsman shall, within 30 days of the close of the period to which it relates, submit to the Commission a half-yearly report on all the representations filed before it.

(2) The report shall cover-

- (a) facts of the representation;
- (b) responses of parties in brief;
- (c) opinion of the Ombudsman on the compliance of standards of performance by the licensee;
- (d) key directions issued to the licensee and/ or to the consumer in the order; and
- (e) compliance of order by the licensee and/ or to the consumer.

(3) The Ombudsman shall within 45 days of the close of the financial year to which it relates also furnish a yearly report containing a general review of the activities of the Ombudsman's office during the financial year to the State Commission and the State Government.

**CHAPTER-VI****CONSUMER ADVOCACY**

**36. Consumer Advocacy.**—(1) A consumer advocacy Cell may be instituted by the Commission to provide the required legal advice, support, and assistance to Complainants for representing their cases before the Ombudsman.

- (2) Such a Cell shall be funded by the Commission.
- (3) The Cell may also -
  - (a) review half-yearly grievances, representations and reports submitted by the Forum and the Ombudsman in order to advise the Commission on improvements to be made in the Regulations;
  - (b) analyse reports submitted by the licensee with regards to levels of performance achieved on performance standards specified under Section 57 (Consumer Protection: Standards of Performance of licensee) of the Act;
  - (c) facilitate capacity building of consumer groups and ensure their effective representation for enhancing the efficacy of regulatory processes.

**CHAPTER -VII****MISCELLANEOUS**

**37. Powers to remove difficulties.**—If any difficulty arises in giving effect to any provision of these Regulations, the Commission may, by a general or special order, direct the distribution licensee, the Forum or the Ombudsman to take suitable action, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulties.

**38. Repeal and Savings.**—(1) The Himachal Pradesh Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers) Regulations, 2003 and the Himachal Pradesh Electricity Regulatory Commission (Electricity Ombudsman) Regulations, 2004, are hereby repealed.

- (2) Notwithstanding such repeal –
  - (a) anything done or any action taken or proposed to have been done or taken including any appointment made, or any document or instrument executed or any direction given under the repealed regulations, shall, in so far as it is not inconsistent with the provisions of these Regulations, be deemed to have been done, taken, made or given under the corresponding provisions of these Regulations ;
  - (b) all appointments made, and documents executed, before the commencement of these Regulations, shall continue to have effect till be expiry of the period for which such appointment has been made or the document has been executed.

By order of the Commission

Secretary.

**Annexure-I**

(See regulation 3(k) 19(2), 31, 32 and 34

**TIME LINES**

Sr. No.	Description of action to be taken	Time lines Specified	Time from which period begins to seen
<b>PART-I</b>	<b>Complaints/representations before the Forum</b>		
1	Forwarding complaints to the Forum when sent through Complaint Receiving Centers of the distribution licensee	By the next working day	
2	Acknowledge of receipt of complaint- <ul style="list-style-type: none"> <li>(a) When presented in person</li> <li>(b) When received by post, e.mail or fax.</li> <li>(c) When received through the Complaint Receiving Centers</li> </ul>	On same day By the next day By the next day	On the receipt of the complaint by the Forum
3	Forwarding of complaints to the concerned officer of the licensee- <ul style="list-style-type: none"> <li>(a) In case of connection/ disconnection of supply.</li> <li>(b) In case of others</li> </ul>	1 day 2 days	On the receipt of the complaint by the Forum
4	Response of the Licensee on the complaint - <ul style="list-style-type: none"> <li>(a) In case of connection/ disconnection of supply.</li> <li>(b) In case of others.</li> </ul>	5 days 15 days	From the date of receipt of compliant.
5	Making available the record or to furnish any information to the Forum-	7 days	From the date of requisition of the record or information
6	Making of Orders by the Forum- <ul style="list-style-type: none"> <li>(a) In cases of connection or disconnection of supply.</li> <li>(b) In case of others</li> </ul>	20 days 45 days	From the date of receipt of the complaint.
7	Compliance of the Orders of the Forum	21 days	From the receipt of the Order by

			the licensee.
8	Reporting of compliance by the Licensee to the Forum	7 days	From the date of compliance.
<b>Part-II</b>	<b>Representation before the Ombudsman</b>	7 days	From the date of compliance.
1	Making representation to the Ombudsman (a) Against the Forum's Order	30 days	From the date of Order by the Forum.
	(b) For the non-redressal of grievance	30 days	After the expiry of 30 days time allowed under item (a)
	(c) For the non-compliance of the Forum's Order by the licensee	Two months	From the date of Order of the Forum.
2	Settlement by Conciliation (a) Service of notice to the concerned officer of the Licensee for settlement through mediation of the Ombudsman.	7 days	From the date of receipt of representation.
	(b) Acceptance of the recommendations of the Ombudsman.	15 days	From the date of receipt of recommendations of the Ombudsman.
	(c) Making a record of the conciliated agreement.	7 days	After the acceptance of the recommendation by the parties.
3	Registration of Representation a) Registration of representation where the grievance is not settled by mediation or conciliation by the Ombudsman.	30 days	From the date of receipt of the representation by the Ombudsman.
	b) Calling of record from the Forum	7 days	From the date of registration of the representation by the Ombudsman.
	c) Sending of record by the Forum	7 days	From the date of receipt of the notice from the Ombudsman.

4	Order of the Ombudsman	60 days	From the date of receipt of representation.
5	Compliance of the Ombudsman's Order	15 days	From the issue of the Order
<b>PART-III</b>	<b>Submission of Reports</b>		
1	Submission of Reports by the Forum  (i) Quarterly  (ii) Yearly	15 days  45 days	After the close of the quarter.  After the close of the year.
2.	Submission of Reports by the Ombudsman-  (i) Half yearly  (ii) Yearly	30 days  45 days	After the close of period.  After the close of the financial year.

**ANNEXURE- II**

(See Regulation 16)

**GRIEVANCE SUBMISSION BEFORE FORUM****APPLICATION TO FORUM FOR REDRESSAL OF GRIEVANCE**

*Note: \* indicates compulsory fields*

Date\*: \_\_\_\_\_

1. Name of the Complainant: \_\_\_\_\_

2. Full address of the Complainant \*: \_\_\_\_\_

Pin Code\*: \_\_\_\_\_

Phone no.\*: \_\_\_\_\_

Fax no.: \_\_\_\_\_

Email id: \_\_\_\_\_

3. Nature of Connection and Consumer no.\* (*in case of having applied for a connection, state the application number*):  
\_\_\_\_\_  
\_\_\_\_\_

4. Distribution Licensee\*: \_\_\_\_\_

5. Complaint receiving centre number\*: \_\_\_\_\_

6. Category of grievance (*please tick the relevant box/ boxes*):

- a. Wrong billing  b. Recovery of arrears  c. Faulty Meter  d. Burnt meter  e. Supply interruption  f. Harmonics in supply  g. Supply voltage related  h. Deficient service  i. Delay in providing new connection  j. Reconnection  k. Change in connected load  l. Transfer of connection

m. Others (*please specify*)

7. Name of the employee / employees (*specify employee ID or department*) or department against whom grievance has been filed (*if any*):

8. Details of the grievance, facts giving rise to the grievance\* (*If space is not sufficient please enclose separate sheet*)

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9. Nature of relief sought from the Forum

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10. List of documents enclosed (*Please enclose copies of any relevant documents which support the facts giving rise to the grievance*)

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11. Declaration

(a) I/ We, the Complainant /s herein declare that:

(i) the information furnished herein above is true and correct; and

(ii) I/ We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.

(b) The subject matter of the present Grievance has never been submitted to the Forum by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.

(c) The subject matter of my / our Grievance has not been settled through the Forum in any previous proceedings.

(d) The subject matter of my / our Grievance has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)

(Complainant's name in block letters)

**NOMINATION** – (If the Complainant wants to nominate his representative to appear and make

submissions on his behalf before the Forum, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt.

....., whose address is

.....

.....

..... as my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)

**ANNEXURE III**  
**(See Regulation 26)**

**QUARTERLY REPORTING BY FORUM**

Quarter: \_\_\_ Financial Year: \_\_\_

**1. Status of grievance redressal**

S. No	Parameters	Delay in restoring supply	Quality of Supply	Meter Problems	Billing Problems	Quality of Service	Others	Total
1	Grievances pending at the end of previous quarter							
2	Grievances received during this quarter							
3	Total grievances (1+2)							
4	Grievances attended during this quarter							
5	Balance grievances to be attended (3-4)							
6	Grievances successfully redressed during this quarter							
7	Grievances in the process of redressal							
8	Grievances escalated to Ombudsman							

*Note: Sum of rows 6, 7 & 8 should be equal to row 4*

## 2. Status of compliance by licensee

a. Of the number of grievances successfully redressed during the quarter, state the number of grievances in which the order specified directions for the licensee:

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b. Describe the status of the licensee's compliance against each such grievance.

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## ANNEXURE- IV (See Regulation 29)

### SUBMISSION OF REPRESENTATION BEFORE OMBUDSMAN

*Note: \* indicates compulsory fields*

Date\*: \_\_\_\_\_

To

The Ombudsman  
(specify full address)

Dear Sir / Madam

SUB: (*please make a mention of the order of the Forum from which a representation to the Ombudsman is being made*)

Details of the grievance are as under:

1. Name of the Complainant: \_\_\_\_\_
2. Full address of the Complainant \*: \_\_\_\_\_

Pin Code\*: \_\_\_\_\_

Phone no.\*: \_\_\_\_\_

Fax no.: \_\_\_\_\_

Email id: \_\_\_\_\_

3. Nature of Connection and Consumer no.\* (*in case of having applied for a connection, state the Application number*): \_\_\_\_\_

4. Distribution Licensee\*: \_\_\_\_\_

5. Name and Address of the Forum\*: \_\_\_\_\_

6. Date of submission of grievance by the Complainant to the Forum\* (*please enclose 3 copies of the grievance*): \_\_\_\_\_

7. Details of the representation, facts giving rise to the representation\* (*If space is not sufficient please enclose separate sheet*)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Whether the consumer has received the final decision of the Forum? (*If yes, please enclose three copies of the Forum's order conveying its final decision*)

9. If the consumer has received the final decision of the Forum, whether any amount was assessed by the Forum to be paid by the consumer to the licensee? (*If yes, please enclose receipt of the deposit of 1/3rd of such amount with the Ombudsman*)

10. Nature of relief sought from the Ombudsman  
 \_\_\_\_\_

11. List of documents enclosed (*Please enclose three copies of all relevant documents which support the facts giving rise to the representation*)

12. Declaration

(a) I/ We, the Complainant/s herein declare that:

- (i) The information furnished herein above is true and correct; and
- (ii) I/ We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.

(b) The subject matter of the present representation has never been brought before the Office of the Ombudsman by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.

(c) The subject matter of my/ our representation has not been settled through the Office of the Ombudsman in any previous proceedings.

(d) The subject matter of the present representation has not been decided by any competent Authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

Yours faithfully

(Signature)  
 (Complainant's name in block letters)

**NOMINATION** – (If the Complainant wants to nominate his representative to appear and make submissions on his behalf before the Ombudsman, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt. ...., and whose address is ..... as my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative).

(Signature of Complainant).

## FORESTS DEPARTMENT

### NOTIFICATION

*Shimla-2, the 5th May, 2012*

**No. FFE-B-F(1)2/2010.**—The Governor, Himachal Pradesh is pleased to order the closure of “Satluj Valley Watershed Development Society, Rampur”, constituted vide Notification No. FFE-B (F) 2-73/97 dated 23.10.2002, for the implementation of Catchment Area Treatment Plans of all Hydro-Electric Projects in Satluj basin, in public interest.

2. The above-said society will cease functioning, latest by 30.6.2012, after the finalization of accounts (including audit) and balance sheet for the year 2011-12.

3. The balance funds, pertaining to the implementation of CAT Plans etc. lying in the bank accounts of above-said society, if any, will be transferred to the bank account (CAMPA) of the Conservator of Forests, Rampur. The amount of interest accrued in the bank account will, however, be transferred and placed at the disposal of HP State CAMPA.

4. Conservator of Forests, Rampur will act as ‘successor’ of the “Satluj Valley Watershed Development Society, Rampur”, and will be responsible for matters relating to record keeping, accounts, audit and RTI etc.

5. The Catchment Area Treatment Plans (CAT Plans) & Compensatory Afforestation (CA) etc. of all Hydro-Electric Projects in Satluj river basin will, henceforth, be implemented through the concerned Conservator of Forests.

By order,  
Sd/-  
*Principal Secretary (Forests).*

